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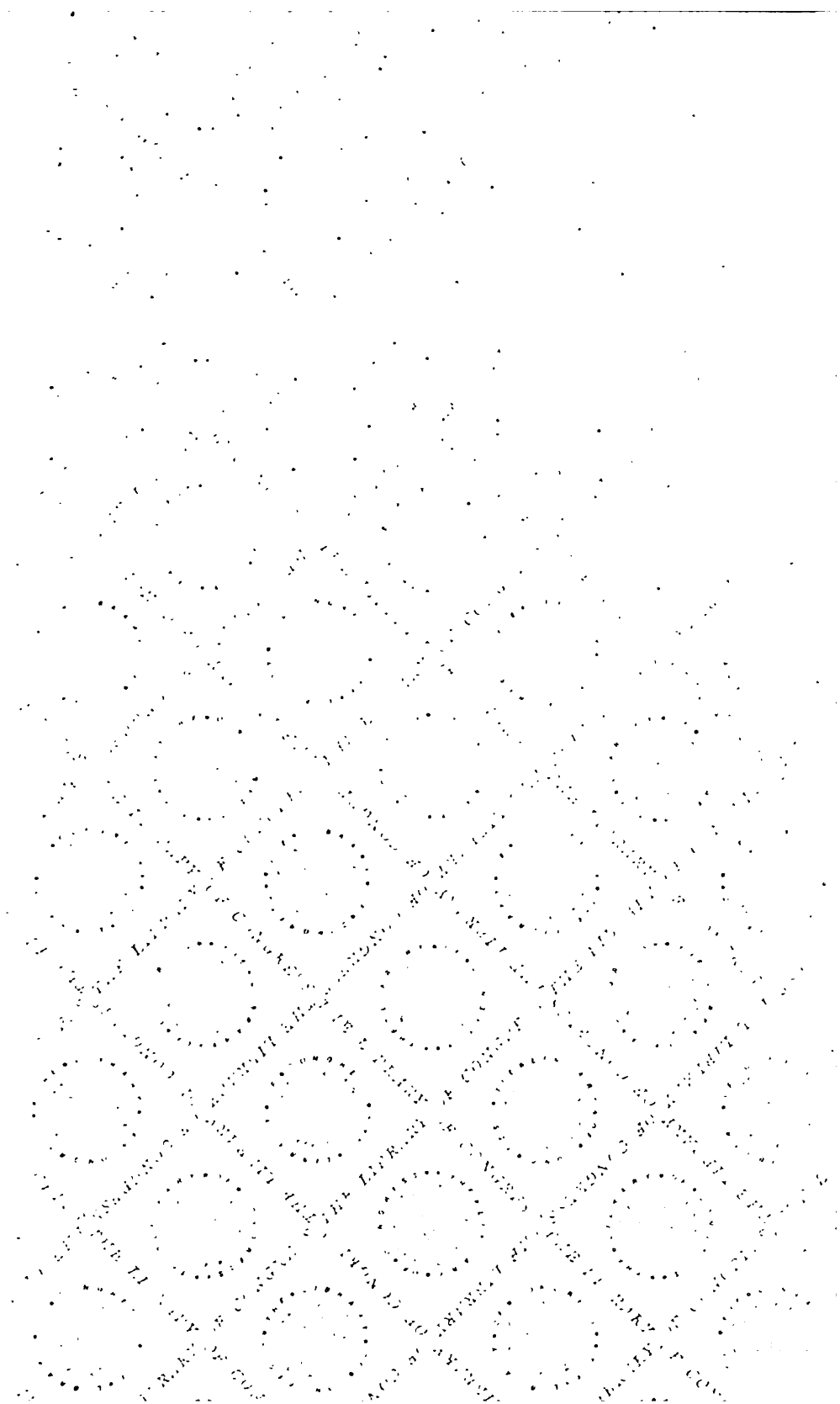
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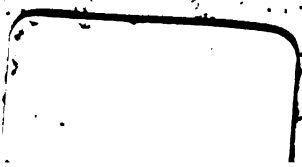
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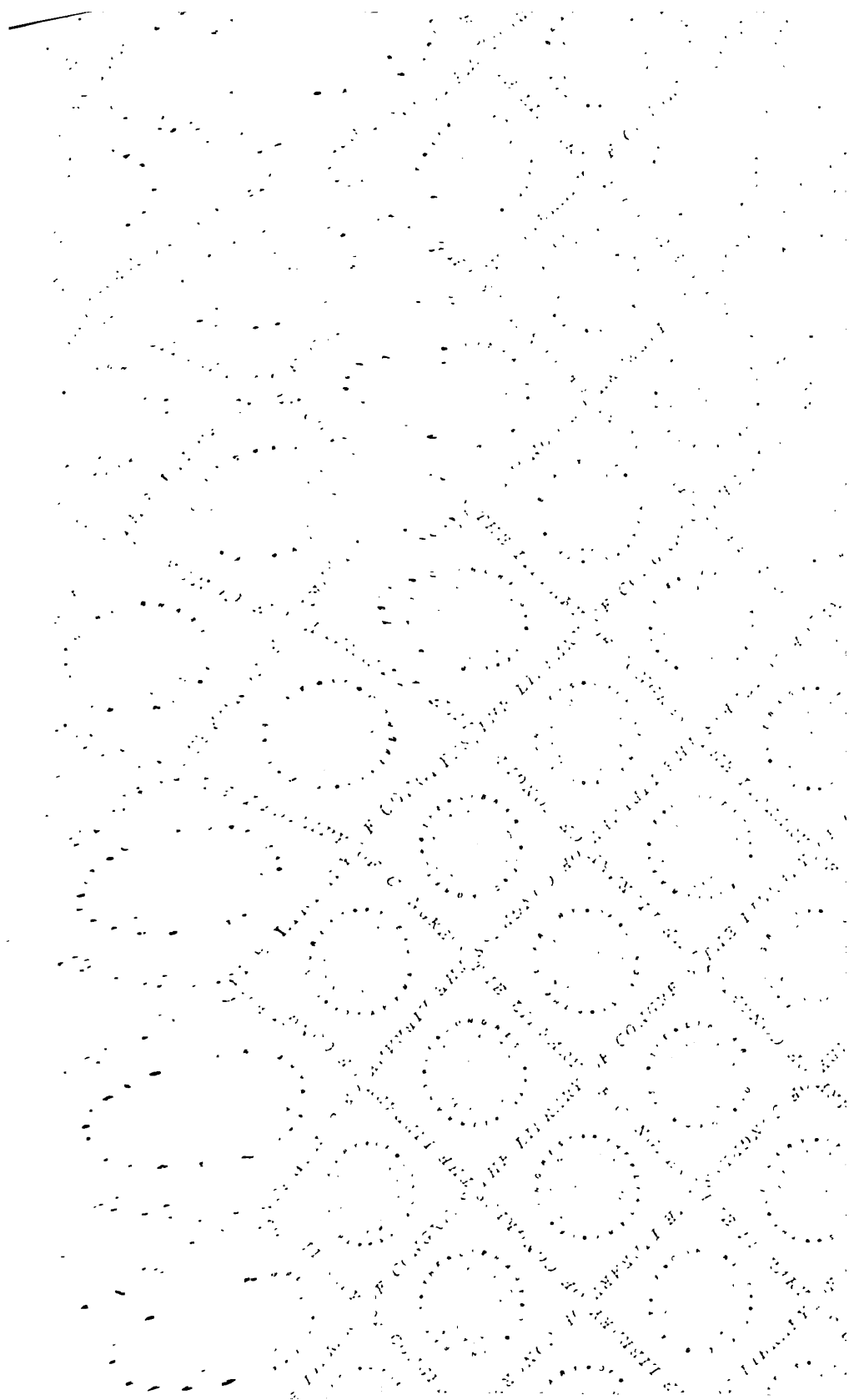
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**CONDITIONS IN THE PAINT CREEK DISTRICT,
WEST VIRGINIA**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR
UNITED STATES SENATE**

SIXTY-THIRD CONGRESS

FIRST SESSION

PURSUANT TO

S. RES. 37

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF A
COMMITTEE TO MAKE AN INVESTIGATION OF
CONDITIONS IN THE PAINT CREEK
DISTRICT, WEST VIRGINIA**

PART 3

**WASHINGTON
GOVERNMENT PRINTING OFFICE
1913**

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SUBCOMMITTEE.

CLAUDE A. SWANSON, Virginia, *Chairman*.

JOHN K. SHIELDS, Tennessee.

WILLIAM S. KENYON, Iowa.

JAMES E. MARTINE, New Jersey.

WILLIAM E. BORAH, Idaho.

WILLIAM W. HORNE, *Clerk*.

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CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

WEDNESDAY, OCTOBER 29, 1913.

SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
UNITED STATES SENATE,
Washington, D. C.

The subcommittee met on call, pursuant to notice, at 10.30 o'clock a. m.

Present: Senators Swanson (chairman), Martine, Shields, and Kenyon. Also present, counsel as follows: For the United Mine Workers: A. M. Belcher, Esq., of Charleston, W. Va. For the coal operators (except Paint Creek collieries): Messrs. Brown, Jackson & Knight, of Charleston, W. Va., by E. W. Knight, Esq. For the governor of West Virginia, E. G. Pierson, Esq.

The CHAIRMAN. The subcommittee will come to order. Mr. Pratt, will you be sworn?

TESTIMONY OF CHARLES M. PRATT.

Charles M. Pratt was called as a witness and, having been sworn by the chairman, testified as follows:

The CHAIRMAN. Senator Kenyon has charge of this feature of the investigation. Suppose you conduct the investigation, Senator.

Senator KENYON. Where is your place of residence, Mr. Pratt?

Mr. PRATT. Brooklyn, N. Y.

Senator KENYON. What is your business?

Mr. PRATT. I really have no active business.

Senator KENYON. You are retired?

Mr. PRATT. Yes, sir.

Senator KENYON. There has been some evidence here of your ownership of certain lands in West Virginia, and that is the question the committee desired to know about.

Mr. PRATT. Yes.

Senator KENYON. I assume you are familiar in a general way with the matters this subcommittee has investigated?

Mr. PRATT. In a general way; yes, sir. I have not full details.

Senator KENYON. Yes; but you knew of the troubles in the Paint and Cabin Creek districts?

Mr. PRATT. I did.

Senator KENYON. We have been trying to ascertain as to the question of what might be called the alien ownership of land there, the

ownership of lands outside the State of West Virginia. Do you own some large tracts of lands in West Virginia that are used for mining purposes?

Mr. PRATT. The lands referred to in this investigation, I do with others; I mean, with other gentlemen.

Senator KENYON. Will you please tell us in your own way what lands you own in West Virginia involved in this investigation?

Mr. PRATT. We own as a corporation the Paint Creek Coal & Land Co., about 21,000 acres in two counties; Paint Creek runs up through the two counties, and some of the land is on the one side and some on the other, but there is about 21,000 acres.

Senator KENYON. You say "we as a corporation."

Mr. PRATT. Yes.

Senator KENYON. Do you mean the Paint Creek Land Co.? Is that the title of the corporation?

Mr. PRATT. Yes. Then we have—

Senator KENYON. Let us get that first. That is the title of the corporation, the Paint Creek Land Co.?

Mr. PRATT. The Paint Creek Coal & Land Co.

Senator KENYON. Is that incorporated under the laws of West Virginia?

Mr. PRATT. I believe it to be so; yes, sir.

Senator KENYON. Who are the owners of the stock of that corporation?

Mr. PRATT. Five-eighths of the stock is owned by our firm, Charles Pratt & Co., which was years ago established by my father, and the partners are my five brothers and myself; three-eighths is owned by George P. Wetmore, of Rhode Island.

Senator KENYON. Formerly United States Senator?

Mr. PRATT. Formerly United States Senator.

Senator KENYON. That is the entire ownership?

Mr. PRATT. That is the entire ownership; yes, sir.

Senator KENYON. And what is the capital stock of this corporation?

Mr. PRATT. \$300,000.

Senator KENYON. Is that paid up?

Mr. PRATT. Yes.

Senator KENYON. How long has that corporation been organized?

Mr. PRATT. I think it was organized in 1901.

Senator KENYON. Now, Mr. Pratt, do you own any other land, or does this corporation own any other land there except this 21,000 acres?

Mr. PRATT. We own the terminal lands, or, rather, I should say the terminal company, which was established to care for and to own and operate the road running down to the river and to build the tipple and to provide terminal lands for the handling of the coals going through the tipple. We own lands there—I should say a few hundred acres. They were bought purely for that purpose.

Senator KENYON. How long ago were they bought?

Mr. PRATT. At the same time; they were part and parcel of this whole development.

Senator KENYON. I do not know as I asked you just when this land was purchased and whether it was purchased in one tract.

Mr. PRATT. No; it was purchased probably five or six years previous to the formation of this corporation—of the Paint Creek Coal & Land Co.

Senator KENYON. Did you buy that personally, then?

Mr. PRATT. We bought our land—about 15,000 acres, or 14,000 to 15,000 acres—from a variety of owners; largely, however, from one or two corporations which had failed and which had owned the property many years.

Senator KENYON. When you say "We bought it," who do you mean?

Mr. PRATT. I mean the firm of Charles Pratt & Co. I do not know when Mr. Wetmore bought his land.

Senator KENYON. Then your land and the Wetmore land, or the owners thereof, came together and formed this corporation?

Mr. PRATT. Yes.

Senator KENYON. This was all coal land, was it?

Mr. PRATT. All except the valleys and meadow lands and the areas which were between the mountain ranges.

Senator KENYON. And this was some of the land that is involved in this trouble out there?

Mr. PRATT. Some of the coal land; yes, sir.

Senator KENYON. Is all your 21,000 acres mined down there and in the area covered by this trouble?

Mr. PRATT. It is not all mined, but those acres which are leased to operators, I suppose, were in this trouble.

Senator KENYON. How did you come, in the first place, to buy this large area in West Virginia, you and your brothers?

Mr. PRATT. Well, West Virginia has been a State familiar to me—I am the eldest of the boys—because my father and I used to go down there in the early oil development, not in this particular section, but over toward Parkersburg; and my mother's brother, two brothers in fact, were interested with my father—that is, were employed in the development of those oil lands, and have been in the State, oh, 30 or 40 years, so that it was not a new territory, in a broad sense. The property in discussion, these coal lands, was suggested to me by friends whom I knew in early life as a good investment, and that is the way in which the whole matter had its beginning.

Senator KENYON. Were those lands purchased to develop the coal thereon, or were they purchased for speculation?

Mr. PRATT. I should say, broadly, for speculation.

Senator KENYON. Can you give us any idea about what price per acre was paid for those lands?

Mr. PRATT. I suppose \$300,000 would fairly represent the cost. There were a lot of incidental matters.

Senator KENYON. The cost of the 21,000 acres?

Mr. PRATT. I think so. You understand, I can not give you exactly the Wetmore cost.

Senator KENYON. I understand; but you are giving your judgment of the cost of the land?

Mr. PRATT. Yes; because the three-eighths, his contribution of that, I could not give, of course.

Senator KENYON. What is your estimate of the value of those lands to-day?

Mr. PRATT. I do not know what the value is, except as to the appraised value for taxation by the State.

Senator KENYON. What is that?

Mr. PRATT. That is about \$870,000.

Senator KENYON. For the 21,000 acres?

Mr. PRATT. Yes.

Senator KENYON. Do you know whether they appraise land at its full value for taxation in West Virginia?

Mr. PRATT. I do not. It is a law which has been passed within the last few years, and the taxes have materially increased.

Senator KENYON. From your knowledge of those lands, would you say that is a fair valuation? This does not affect the taxation question.

Mr. PRATT. The situation, Senator, frankly, is this: I do not believe those lands would ever have been assessed at any such value were it not for the fact that we had spent a world of money in making them useful; in other words, we built the railroad up the creek—

Senator KENYON. That line that is up Paint Creek?

Mr. PRATT. Yes; Paint Creek.

Senator KENYON. That line is now owned by the Chesapeake & Ohio Railway Co.?

Mr. PRATT. Yes, sir.

Senator KENYON. Did you sell that line to the Chesapeake & Ohio?

Mr. PRATT. We did. We were naturally anxious that the Chesapeake & Ohio should build that line for us, but at that time they had other things to do, and so we built it, and necessarily had to do it in order to open the properties. That cost between \$500,000 and \$600,000.

Senator KENYON. Did you get your money back on that sale to the Chesapeake & Ohio?

Mr. PRATT. We got a mortgage on the property at 4 per cent for exactly what it cost us.

Senator KENYON. Then you came out even on that proposition?

Mr. PRATT. We have the money still there.

Senator KENYON. But you have the mortgage?

Mr. PRATT. We have the mortgage, a 4 per cent mortgage.

Senator KENYON. Did you spend a good deal of money in developing these properties?

Mr. PRATT. We spent that money and then we spent \$200,000 in developing the tipple and the terminal land and building the road to the tipple.

Senator KENYON. Did you ever conduct mining operations there yourself?

Mr. PRATT. Never, nor anywhere else.

Senator KENYON. Did the people associated with you?

Mr. PRATT. Never.

Senator KENYON. You rent this land?

Mr. PRATT. We sell the coal in the mountains.

Senator KENYON. That is, you receive a royalty on the coal?

Mr. PRATT. Yes.

Senator KENYON. And when you bought this land, I assume you were familiar with the fact that there was valuable coal there?

Mr. PRATT. Oh, yes; we bought it for that reason.

Senator KENYON. And what royalty have you received?

Mr. PRATT. We receive 8 cents a ton.

Senator KENYON. All of the time that the mining has been going on there?

Mr. PRATT. Yes; that is the rate for the entire lease, the length of the lease.

Senator KENYON. How long does the lease run?

Mr. PRATT. I do not know the exact number of years, but I think it runs until those leases are exhausted; that is, the coal in those defined areas is exhausted.

Senator KENYON. Have you anything to do with any of the management of any of the companies out there?

Mr. PRATT. Nothing. The lease provides against that.

Senator KENYON. Provides against it?

Mr. PRATT. Yes, sir.

Senator KENYON. So that your entire interest is in getting the royalty?

Mr. PRATT. Yes; and in providing the means for getting the coal out. Of course, the railroad and terminals were things which were adjuncts to this leasing.

Senator KENYON. Have you or your associates any interest in the railroad enterprise?

Mr. PRATT. None whatever.

Senator KENYON. So your interest is confined there to the royalty?

Mr. PRATT. Yes, sir.

Senator KENYON. Have you anything to do with the keeping up of the properties there?

Mr. PRATT. You mean the coal properties?

Senator KENYON. Yes; or do you require them to keep up the properties to any standards?

Mr. PRATT. We have two engineers there and a competent man in general charge, whose business it is to cooperate with the lessees and see that the coal is properly taken without destruction to the mines and that it is exhausted. Other than that—

Senator KENYON. I think the record does not show from your testimony who the lessees are.

Mr. PRATT. I do not know whether it does. There are three corporations there now.

Senator KENYON. What are the corporations?

Mr. PRATT. The Paint Creek Collieries Co., the Imperial Colliery Co., and the Standard Splint & Gas Coal Co.

Senator KENYON. Those are the three lessees of your property there?

Mr. PRATT. Yes, sir.

Senator KENYON. They all have the same kind of lease?

Mr. PRATT. Exactly.

Senator KENYON. And the same royalty?

Mr. PRATT. Yes, sir. There has never been any difference.

Senator KENYON. You have nothing to do with the amount paid the men there for their work?

Mr. PRATT. No.

Senator KENYON. And you have nothing to do with company stores?

Mr. PRATT. Nothing whatever.

Senator KENYON. You pay no attention to those things?

Mr. PRATT. Well, we never have had any required relation in any sense.

Senator KENYON. Do you go there yourself, or any of your brothers, to look after these properties?

Mr. PRATT. Oh, yes; my brothers do quite frequently; one particularly, the treasurer of this company. I have not been there for some years; I have had a lot of other things to do.

Senator KENYON. Could you give us any idea of the amount you receive in royalties per year?

Mr. PRATT. We have received on an average about \$60,000 a year, which, on the amount we have actually invested there, is about 6 per cent—6 to 6½ per cent—return.

Senator KENYON. What about your royalties last year?

Mr. PRATT. The royalties last year were very much less than usual; the last two years, of course, have been influenced a good deal by the situation. In fact, there have been no two years, I think, quite alike.

Senator KENYON. Have you any statement of the royalties received in the different years which we could put in the record?

Mr. PRATT. Yes; I can give you that.

Senator KENYON. Will you give us that to put in the record.

Mr. PRATT. Yes.¹

Senator KENYON. Do you know of any other corporations owning these lands in West Virginia, corporations outside the State?

Mr. PRATT. I do not; but I had supposed that there were people outside of the State interested in these properties; not in these, but in the general coal lands of West Virginia; but I have had no relation with them.

Senator KENYON. Do you know whether outside money has developed those coal lands there?

Mr. PRATT. I think that is one of the necessary things to do. I do not think it could be done otherwise.

Senator KENYON. Are you one of the officers of the Standard Oil Co.

Mr. PRATT. I am not.

Senator KENYON. Or any of its subsidiaries?

Mr. PRATT. I am not.

Senator KENYON. No connection with it?

Mr. PRATT. None whatever.

Senator KENYON. They have no connection in this or in the ownership of lands?

Mr. PRATT. None whatever.

Senator KENYON. Has your brother, do you know, looked into labor conditions out there when he has been out there, or reported to you the labor conditions?

¹ See statement immediately following Mr. Pratt's testimony.

Mr. PRATT. We have had this general desire and recognized responsibility of providing such land for educational and religious purposes as that development naturally and properly required, and have done it. We have in our leases always insisted that there should be absolutely no liquor sold on any of the properties, and that we have insisted on also respecting the mines operated by others than ourselves and who were sending coal over that little line of road. Beyond that I think we have had no very definite relation to those matters and there has been no occasion, so far as we know—I mean there has been no direct request made of any sort. We go very frequently and our own skilled people from New York are currently going there.

Senator KENYON. Have you given land there for school purposes?

Mr. PRATT. Yes, sir.

Senator KENYON. And for religious institutions?

Mr. PRATT. Yes; we have.

Senator KENYON. Could you give us any indication of how many different pieces you have given for that purpose?

Mr. PRATT. I can not now; but I can send it for the record, if you would like that.

Senator KENYON. We would like to have you do that.

Mr. PRATT. Yes.¹

Senator KENYON. Were you out there at all during the time of these troubles?

Mr. PRATT. My people were, but I was not.

Senator KENYON. By your people you mean your brothers?

Mr. PRATT. Yes; but more particularly one of our office force, who has more directly this particular thing in hand.

Senator KENYON. Is Senator Wetmore one of the officers of your company?

Mr. PRATT. He is not. He has three of his own office force who are directors. There are seven directors in all. I beg your pardon, he is the vice president of the company and a director.

Senator KENYON. How long has he been such officer?

Mr. PRATT. From the beginning.

Senator KENYON. From the beginning?

Mr. PRATT. Yes.

Senator KENYON. What is your position with the company?

Mr. PRATT. I am president of the company.

Senator KENYON. Who are the other officers?

Mr. PRATT. My brother Harold is treasurer and Mr. Wetmore is vice president, and the secretary is Mr. Amos, one of our office people. I ought to say that our office, Charles Pratt & Co., or the firm, undertook the management of these properties so far as the contracts and leases were concerned, and that is why Mr. Amos, one of our own people is one of the officers and my brother is treasurer.

Senator KENYON. Where is your office?

Mr. PRATT. 26 Broadway, New York.

Senator KENYON. That is all I desire to ask, Mr. Pratt.

Senator MARTINE. Mr. Pratt, you are the Pratt for whom the Pratt Institute was named—the Pratt family?

Mr. PRATT. That is right.

Senator MARTINE. 26 Broadway; that is the Standard Oil office or headquarters?

¹ See statement immediately following Mr. Pratt's testimony, p. 2130.

Mr. PRATT. That is the Standard Oil office; yes, sir.

Senator MARTINE. You say the lands you bought were with a view to the coal except the valleys. Do the valleys develop oil?

Mr. PRATT. No; there has never been any oil—that is, so far as I know.

Senator MARTINE. There is oil on this tract, is there not, of 21,000 acres?

Mr. PRATT. I do not think so; at least I have never known of any being found.

Senator MARTINE. How far from this point is the nearest oil development?

Mr. PRATT. Oh, I do not know, sir.

Senator MARTINE. It is not a great distance?

Mr. PRATT. I think there is oil in Charleston. Charleston is about 15 miles away.

Senator MARTINE. Well, your tract will cover 15 miles?

Mr. PRATT. If you spread it out thin it would; yes, sir.

Senator MARTINE. Well, it would not have to be very thin, would it—21,000 or 23,000 acres?

Mr. PRATT. Well, nature has not made it that way.

Senator MARTINE. You say your royalty is 8 cents a ton. Have you ever heard it claimed by the coal operators there at Paint Creek that the royalty was so excessive that they were prevented from making certain improvements and developments that they otherwise would, were it not for the excessive royalty.

Mr. PRATT. I never have.

Senator MARTINE. Never have seen that published?

Mr. PRATT. I understand that some such statement, or a statement similar to that was made in this hearing, but I did not know it until I saw it.

Senator MARTINE. I did not hear it in the hearing, but have you ever seen it published?

Mr. PRATT. I never have.

Senator MARTINE. I have, and I did not know whether it was correct or not; but did it ever come to your ear?

Mr. PRATT. No.

Senator MARTINE. These gentlemen have stated they would have been able to be a little more generous in many ways with their help and employees and would improve conditions were it not for the excessive royalty. I never knew just what the royalty you got was before, but were it not for the excessive royalty paid to the Pratts.

Mr. PRATT. That is not correct. The royalty has always been judged satisfactory by the people who made the leases. It was a modest royalty. The royalties to-day are from 7 to 10 cents a ton, and the rate we fixed with them was 8 cents, and I never have felt, nor have I ever been told, that that was in any sense fairly to be considered excessive.

Senator MARTINE. I am not prepared to criticize that at all, and I do not criticize or make inquiry because I deem it excessive; but I asked if it had been brought to your attention. I have seen it so published. Has your attention during your ownership, which has been for many years, been brought to the disturbed labor conditions there?

Mr. PRATT. Yes; we have of late, of course.

Senator MARTINE. Have you been appealed to for your judgment and advice as to what might be done to alleviate the conditions and to make more harmonious relations between the employer and employees?

Mr. PRATT. We never have. The question has never come to us in any direct personal way at all.

Senator MARTINE. Well, you have thought of it?

Mr. PRATT. Thought of it?

Senator MARTINE. Yes.

Mr. PRATT. Oh, indeed so.

Senator MARTINE. In your own mind have you evolved any line of policy which might bring about more harmonious relations between the miners and the lessees?

Mr. PRATT. I have no suggestion to make, but I want to say frankly that I think that the whole occurrence and terrible situation in Paint Creek and Cabin Creek was an unusual one, and I think it was very dreadful; but I suppose there are many causes which one would naturally think of as contributory to that result, but I do not believe that any human can make a definite and final statement as to what is the thing to do. I think it is a very complex situation.

Senator MARTINE. In your territory, or that territory in which you and your brothers and Mr. Wetmore control, there are other lessees besides the Paint Creek Colliers Co.?

Mr. PRATT. No; those are the only three.

Senator MARTINE. The Paint Creek Co.?

Mr. PRATT. The Paint Creek Colliers Co., the Imperial Colliery Co., and the Standard Splint & Gas Coal Co.

Senator MARTINE. They are three individual companies?

Mr. PRATT. Yes.

Senator MARTINE. Do the same labor conditions prevail in them all?

Mr. PRATT. So far as I know they do.

Senator MARTINE. On any of your properties which you own the fee of, is there organized labor and in some others unorganized labor?

Mr. PRATT. I can not answer, sir, from any direct knowledge; but I assume from the history of these recent troubles that that must be the case.

Senator MARTINE. That there are some organized there and some unorganized?

Mr. PRATT. I assume so, but I do not know.

Senator MARTINE. Then you would not be able to say whether the conditions are more satisfactory where the organized labor prevails than where the unorganized labor prevails?

Mr. PRATT. No; I would not know.

Senator MARTINE. Have you any suggestion, as a coal owner who might be interested, as to a line of policy which might be exerted and exercised by the lessees with their labor which would tend to mitigate and make pleasanter and more harmonious relations between the two?

Mr. PRATT. As I said before, I think this was an unusual occurrence—terrible though it was—and I do not think I or anyone else

can at the moment make a suggestion which would be helpful in determining how to avoid a similar one. There were many things that were unusual, and I can not but believe that there were many human mistakes of judgment in connection with the solution of that matter.

Senator MARTINE. You think there were many?

Mr. PRATT. Well, I think there must have been many. But to deal with a labor problem of that sort constructively, I am sure you gentlemen who have all the history of the case would be vastly wiser than I, and I have no suggestions to make.

Senator MARTINE. But we have come into it very recently, while you have been the owner for many years, and naturally disturbances, either greater or smaller, have appeared from time to time, and I thought it might have prompted your mind in that direction.

Mr. PRATT. Well, the labor problem, sir, is one that is always with us and it is changing in its conditions all the while, and we have had nothing personally responsibly to do with the labor elements there except to do all that we could to make their housing and general conditions as comfortable as our responsibilities led us to do.

Senator MARTINE. When you leased this property you leased it on a royalty?

Mr. PRATT. Yes.

Senator MARTINE. What other authority or power does that carry besides the matter of getting out coal? Does it put the lessee absolutely in possession as a controller and governor, or in other words, after you have received your 8 cents per ton, then everything outside of that rests with the company, as to matters of little town regulations or land ownership?

The CHAIRMAN. You have a copy of the lease, have you not?

Mr. PRATT. Yes; I can give you a copy.

The CHAIRMAN. Suppose you file that with the record.¹

Senator MARTINE. I only wanted to know whether the fact you leased this to the coal company for 8 cents a ton would carry with it the authority to forbid people from traversing to and fro on it, as though it were a domain entirely within their own realm?

Mr. PRATT. I think it would.

Senator MARTINE. Would that meet your desires and approval?

Mr. PRATT. Well, so far as the general employees or the public are concerned, that would be for the operators to determine; their interests are common with ours in wanting to get the coal out. So far as our authority is concerned, our engineer has the right, of course, to go there and see that the mining is done as mining should properly be done; the coal, of course, is weighed after it has come out, and those things are natural relations. The building of plants, the introduction of modern improvements, and all that sort of thing is the operator's business.

Senator MARTINE. Undoubtedly.

Mr. PRATT. So that we have had no frictions between us and them on any of these matters.

Senator MARTINE. But you realize this 21,000 acres is a veritable domain; if you tell a man to get off your premises, if he happens to be in the middle of them, it would be practically like telling him to

¹ A copy of the lease follows Mr. Pratt's testimony.

get off the earth. Now, I want to know whether that sort of thing would meet with your approbation and approval?

Mr. PRATT. We have never made any such regulation respecting the lands which we have not leased, and it is a very wild country and, I think, people roam about pretty much as they please. It is an area generally covered with forest—that is, the hills are—and the trees are at the disposal of the operators to protect their mining interests, and beyond that no such fear or thought or question has been raised, sir, so far as I can remember.

Senator MARTINE. But my statement is not with reference to their cutting the material off of it, but with reference to the public; whether in a domain of this kind it would meet with your approbation and approval if they should post up notices, "Private property" and "Trespassers forbidden," and all that sort of thing over a tract of 21,000 or 23,000 acres.

Mr. PRATT. I do not know, sir, what the lessees would conclude it wise for them to do. They would probably have the right to do as they pleased.

Senator MARTINE. Under your lease?

Mr. PRATT. I think they would, so far as I know. On the other property we have done nothing; it has been free and open to anybody, so far as I know.

Senator MARTINE. But do you not feel that it is a dangerous and almost an un-American right that they should exercise in that way on a domain of that kind?

Mr. PRATT. I could not answer that question intelligently, sir. I do not know. That would be a theoretical and academic question, of course, and I do not know what would be the wise thing to do there.

Senator MARTINE. But you do believe that the conditions were terrible there?

Mr. PRATT. What is that?

Senator MARTINE. You do say they were terrible there?

Mr. PRATT. Oh, yes; there is no doubt about that. They were terrible conditions.

Senator MARTINE. That is all.

Senator KENYON. You used a term which interested me. You say "our responsibility" concerning these houses; that you went as far as your responsibility would dictate. Now, have you not some responsibility in the ownership of a great domain of this kind besides merely getting a royalty? These great properties could not be purchased, as you have purchased them, without the expenditure of a great deal of money, could they?

Mr. PRATT. No.

Senator KENYON. The average man can not go out and buy a property like that. Now, a great corporation of great wealth buys this property; they sit back then and say, "We have done everything that our responsibility dictates." Now, is not that one of the troubles in this country, that wealth sits back and says, "Our responsibility is ended in merely getting our dividends and seeing that things are done in an orderly way."?

Mr. PRATT. Well, Senator—

Senator KENYON. Is not there more responsibility on wealth in this country than just that?

Mr. PRATT. Yes; I think undoubtedly. Now, may I tell you how—you asked the question why we went in there and how we got in there and what led us into West Virginia. Now, in the development of that property there were two things that came very clearly home to me. In the first place, the cost of the development was vastly greater than I expected. In the second place, when I realized what coal mining and coal selling and distributing meant, I felt that that was a business that we, having provided the land and the facilities for getting the coal from the land to the markets, so far as the railroad was concerned, and to the river, so far as the river and the tipples were concerned, had gone a great way, and I felt that if we opened these lands to operators who were in that line of business, men who had not wealth, men who had not the experience that was required to do a thing as big as this, that we were doing a very kind and sensible thing, in giving them an opportunity to develop in land which was most favorable, for these are hills and the coal is in the sides of the hills, and there is no deep tunneling to get it, and it is a healthful community and it was a new field to be developed; the whole thing was favorable, in other words, to coal operators undertaking on their own account the development of that property. And so when we started we had from 12 to 13 different operations going on there, and I thought we had done our part. And from another point of view, I felt that I had no strength or time, with all the other things I had in hand to do, to enter upon the learning of a new business. So we did just as we did, and I think it was the wise and natural thing to do. Men were coming from Pennsylvania, where the fields were not so favorable, where the cost and difficulties were greater in coal operating, and they took up these lands of ours. Now, from that point on we have done everything that the operators have asked us to do or that the community has asked us to do, and I have yet to hear, and I have been waiting to hear from you gentlemen some affirmative thing that you feel that we, as owners of that property, ought to have done.

Senator KENYON. Well, Mr. Pratt, we are investigating conditions—

Mr. PRATT. Yes; I realize that.

Senator KENYON. That give rise to a situation which you yourself say is deplorable.

Mr. PRATT. Yes; it is worse than that.

Senator KENYON. Worse than that, and among those conditions, it seemed to us very proper to investigate this alien ownership.

Mr. PRATT. Yes.

Senator KENYON. If a corporation could be organized and buy up the whole State of West Virginia and everybody lived outside of the State, you would have practically a feudalism in there, which would be un-American and contrary to the genius of our institution.

Mr. PRATT. Quite right.

Senator KENYON. Now, we are looking at this and trying to get at the fundamentals.

Mr. PRATT. I realize that.

Senator KENYON. There is something the matter in this country when the employer arms himself and goes out shooting his men and the men arm themselves and go out shooting their employers, and that kind of business can not endure a great while in this Republic. Now,

you see this is not the only instance, we have other instances right now in Colorado and in Michigan.

Mr. PRATT. I said it was an unusual condition.

Senator KENYON. Yes; so we are trying to get at the philosophy of this matter; what is the matter. That is a greater question than what is going on in West Virginia.

Mr. PRATT. Quite right.

Senator KENYON. What is the matter with the industrial situation? Now, if the men—I do not want to make an argument, but we are all interested in the ultimate conclusion.

Mr. PRATT. Quite right; and I am interested, too.

Senator KENYON. What you just casually threw in there, as to your responsibility, seemed to indicate to me that is the position that wealth is taking in this country, and I have no warfare on honest wealth, but simply to say, "We have no responsibility about these matters. We purchase these great tracts of land and all we want is our royalty, and that is all our responsibility." It seems to me you have a greater responsibility than that, and great wealth has got to wake up to that. The welfare between the man who leases your land and the men who work for him in such a great area is involved. That is just a suggestion. I did not mean to get into any argument, but I would like to get your views.

Mr. PRATT. I wish I could help you. I will tell you how we are trying to help. We have in Brooklyn an institute called Pratt Institute, which my father endowed and to which we have added since, my brothers and I, and we are teaching over 3,000 young people how to earn their own living.

Senator KENYON. That is a commendable work, but do you not think to put such an institute out on a smaller scale for 21,000 acres of land, where the children could learn these things, would be a good work?

Mr. PRATT. So far as the school question is concerned, we have been doing all we could out there. I do not suppose that the children of the class of people who are doing this hard work as miners are prepared for any such kind of work as we are doing in Brooklyn, but that they need education and should have it we have always believed and have always cooperated, and are quite willing to cooperate, and there has never been anything on that side—and I am quite sure I am right in this—that has been asked of us that we have not done.

Senator KENYON. Of course, you have waited for that to be asked—

Mr. PRATT. Now, do not put it quite so harshly as that, because that is not strictly true. We have had our people there continuously, and the whole situation has been, I think, intelligently understood; and consciously to myself or to my brothers I am sure nothing has ever been in our minds suggested or thought of that we could have done and did not do. Of course, one can not cover the whole earth in his responsibilities, but we are all people who are trying to do our part.

Senator KENYON. Well, a person who has as much of the earth as you have down there can cover a large part of it. I do not mean that in any offensive sense.

Mr. PRATT. No; I am sure you do not.

Senator MARTINE. I made a little reference to the Pratt Institute. I happen to know and am willing to admit that it is a most superb institution. It has done incalculable good, and with the plant you have there I can see that in the future there is scarcely a limit to the good you may do. I am willing to bear most cheerful testimony, and I have seen the tangible results in many young boys and young men and young women who have been fitted for practical walks of life in the Pratt Institute in Brooklyn that make it a most notable institution. I say that very gladly.

Mr. PRATT. I thank you, sir.

Senator KENYON. Just one more question and I am done. You went in there not only for the coal properties, but for the oil?

Mr. PRATT. No; I think we never had any view of that kind. I may say, frankly, as to that, that—speaking now from the oil point of view—there never have been developments near enough there to make us feel that oil was there, but we have always been willing to lease the property if anyone wished to drill. We never have ourselves drilled a foot of it.

Senator KENYON. Am I correct in my understanding that neither you nor your brothers nor anyone connected with your firm are connected with the Standard Oil Co. or any of its subsidiaries?

Mr. PRATT. One of my brothers is connected with the company, but no one else.

Senator KENYON. Is he a director?

Mr. PRATT. Of one of the Standard companies.

Senator KENYON. What company is that?

Mr. PRATT. The Standard of New York.

Senator KENYON. Your office being there at the same place, does it have any connection with them at all?

Mr. PRATT. None whatever.

Senator KENYON. Except this connection that your brother has?

Mr. PRATT. Yes; but his office is not with us; he has his own office.

Senator KENYON. The Standard Oil Co. have no interest in this property in West Virginia?

Mr. PRATT. None whatever, and never have had any.

Senator MARTINE. How many school and church concessions have you given? You say you have given all you have been asked to give.

Mr. PRATT. That question was asked, but I can not answer. I can furnish that information and see that the secretary has it.

The CHAIRMAN. You will file a copy of your leases with the clerk?

Mr. PRATT. I will.¹

The CHAIRMAN. What have been your royalties in the last few months? They have resumed operations there to their full extent?

Mr. PRATT. No; they have not. I do not know what the last few months show. The eight months are the smallest, I think, we have had for many years. I know there never was as low a period.

The CHAIRMAN. But the difficulties now have been settled and they are operating?

Mr. PRATT. I think so, in large measure. I think they are doing something.

¹ A copy of the lease follows Mr. Pratt's testimony.

The CHAIRMAN. You say you think you get about 6½ per cent on your investment there from the royalties you have received up to this time?

Mr. PRATT. I think so. I think that would be true; yes, sir.

The CHAIRMAN. Your leases, as I understand, run until the coal has been exhausted?

Mr. PRATT. That is my recollection of it.

The CHAIRMAN. And no limitation of years?

Mr. PRATT. None whatever. There is a minimum which is expected that the operators will handle and will naturally produce. It would not do to leave the coal in the mountains, of course, unmined.

The CHAIRMAN. If they do not produce that, they pay the royalty anyway?

Mr. PRATT. On that minimum. It is an agreed-upon minimum.

The CHAIRMAN. Are there any other questions? If not, Mr. Pratt, you are discharged.

Mr. BELCHER. I would like to ask a question. Mr. Pratt, after your company leases this property to these coal companies, your company, as I understand, loses control of the property and the company gives royalties for the coal leased; in other words, the coal companies leasing your property have full charge of the possession of the lands leased and their control and management?

Mr. PRATT. That is correct.

Mr. BELCHER. Is it possible for a miner to buy property leased from your company for the purpose of building a home or homes?

Mr. PRATT. We have the terminal lands which were bought for that purpose, to enable anyone who was interested in these properties to locate themselves there.

Mr. BELCHER. The terminal lands you have reference to are the lands lying down there near the Kanawha River?

Mr. PRATT. Well, they run up to the town of Pratt, which is a little town on the railroad.

Mr. BELCHER. To the town of Pratt?

Mr. PRATT. Yes.

Mr. BELCHER. But none of the coal properties, no part of the coal lands, can be purchased by the miners for the purpose of building homes thereon?

Mr. PRATT. The operators build the houses. I do not know just how they do, but there are areas in each lease which would make it perfectly convenient for them to use for that purpose.

Mr. BELCHER. But the operators do not own the land in fee and would not have a right to sell land to miners for the purpose of building homes?

Mr. PRATT. I think not. The land is leased.

Mr. BELCHER. Then, it is not possible at any point upon this 21,000 acres of land for a miner to buy a tract or lot of land for the purpose of building a home thereon?

Mr. PRATT. But he could buy any adjacent lands which would be convenient for that purpose.

Mr. BELCHER. Any adjacent lands?

Mr. PRATT. Yes.

Mr. BELCHER. That is not owned by your company?

Mr. PRATT. I was thinking of these terminal lands.

Mr. BELCHER. Are you in anyway connected with the Pennsylvania Railroad Co.

Mr. PRATT. I am not. I am a director of the Long Island Road, but have nothing to do with the Pennsylvania Road.

Mr. BELCHER. Do you know anything about the lands owned by the Pennsylvania Railroad in West Virginia?

Mr. PRATT. I do not.

Mr. BELCHER. Do you know anything concerning the ownership of the railroads in West Virginia by the Pennsylvania Railroad Co.?

Mr. PRATT. I do not.

Mr. BELCHER. Or the United States Steel Corporation?

Mr. PRATT. I do not.

Mr. BELCHER. That is all.

Senator KENYON. What is this Long Branch road—

Mr. PRATT. The Long Island Road, which is simply our local road running out from New York to Montauk Point.

Senator MARTINE. But it is connected with the Pennsylvania—they lease it.

Mr. PRATT. The Pennsylvania owns that road.

Senator KENYON. You are a director in that road?

Mr. PRATT. Yes, sir.

Senator KENYON. Do you know whether or not the Pennsylvania own mines in West Virginia?

Mr. PRATT. I do not.

The CHAIRMAN. Mr. Pratt desires to make a statement as to the reason he did not answer the summons of the committee before this.

Mr. PRATT. I was away and have been away a good deal on account of my health this summer and fall, and did not know that this committee was needing me in any such fashion as I to-day have learned, nor did I know that the committee was to continue in session so long. The notices were all delayed, and when I returned to New York there was no evidence at all that there was any requirement for me. I want to apologize and express my regrets if I have inconvenienced any of you gentlemen, for that was the last thing I had in mind to do; and there was no reason I should not have given you at any time all that I know about this matter.

Senator KENYON. Mr. Pratt, H. L. Pratt is one of the directors of the Standard Oil Co. of New York?

Mr. PRATT. That is right.

STATEMENT OF C. M. PRATT TO THE SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR APPOINTED TO INVESTIGATE CONDITIONS IN THE PAINT CREEK DISTRICT.

The following figures show the total investment at Paint Creek necessary to its development:

Original cost of Paint Creek Coal & Land Co. lands.....	\$300,000.00
Interest on above investment from Jan. 14, 1899 (date of agreement between G. P. Wetmore and Charles Pratt & Co., under which the Paint Creek Coal & Land Co. was formed), to Aug. 2, 1905 (date of first dividend), at 6 per cent simple interest....	117,950.00

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2131

Cost of lands, tipple, river connection, tipple cars, etc., of Paint Creek Terminal Co.....	\$183,793.08
Advances made from 1905 to date on account of operating expenses Paint Creek Terminal Co.....	15,313.57
Interest, 1905 (date of incorporation of Paint Creek Terminal Co.) to 1913, on original investment only (\$183,793.08), 6 per cent simple interest.....	88,220.68
	\$287,327.33
Cost of railroad of Paint Creek.....	525,000.00
Total Paint Creek Investment.....	1,230,277.33

The returns from the above investment have been as follows:

Annual average dividends paid to investors in Paint Creek investment, 1905 (date of first dividend) to 1913.....	\$58,500.00
Annual interest from bonds received in payment of conveyance of the branch railroad to Chesapeake & Ohio R. R. Co.....	21,000.00
	79,500.00

(The above amount equals an annual average dividend of 6.46 per cent on the total investment of \$1,230,277.33.)

Detailed statement as to royalties.

From May 4, 1901 (date of incorporation of Paint Creek Coal & Land Co.), to 1904.....	\$56,090.86
1905.....	50,911.15
1906.....	50,904.93
1907.....	74,338.47
1908.....	39,380.07
1909.....	73,930.28
1910.....	27,284.85
1911.....	128,425.87
1912.....	54,573.34
6 months of 1913.....	8,240.47

Annual average royalties, \$45,844.82.

(The above figures show the gross earnings from coal royalties of the Paint Creek Coal & Land Co.)

The following figures show the net earnings and dividends from the date of incorporation of Paint Creek Coal & Land Co.:

	Net earnings.	Dividends.
From 1901 to 1904.....	\$17,084.10	
1905.....	49,841.70	\$42,000
1906.....	68,128.22	66,000
1907.....	74,708.21	78,000
1908.....	37,340.98	30,000
1909.....	64,232.98	57,000
1910.....	18,858.66	22,800
1911.....	115,662.63	124,800
1912.....	49,373.30	48,000

The annual average net earnings for 12 years have been \$41,269.23. The annual average dividends for the 8 years ending 1912 have been \$58,500.

The above net earnings really represent in part a distribution of capital to the persons who have invested in the mines.

A percentage of the "net earnings" should be deducted to show the return of the original invested capital, which capital is removed from the property when the coal is mined.

It is to be noted that without transportation and other necessary facilities for mining the Paint Creek coal lands would be of uncertain value. The cost of the Paint Creek lands was less than 25 per cent of the total outlay necessary to develop this into a producing proposition. The railroad at Paint Creek was the largest single item of expense. The Paint Creek Terminal Co. required an unproductive investment amounting to nearly \$200,000, in order that the advantages of an additional method of shipping might be open to prospective

¹ Includes royalties past due from previous years.

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operators. The Paint Creek Terminal Co., acting under the best expert advice available at the time, constructed an up-to-date tipple on its property. The nonuse of the tipple has been due in a large measure to a change in the relation between river and rail freights, and also to the method of measuring coal in Cincinnati, which was unsatisfactory to the operators.

Attached hereto is a copy of one of the leases made by the Paint Creek Coal & Land Co. which is now in effect. All the leases are practically identical in form, the main difference being in the annual minimum royalty charged.

The following is a list of the annual minimum royalties of the several lessees:

Paint Creek Coal Co.....	\$6,600
Scranton Splint Coal Co.....	5,400
Banner Coal Co.....	4,000
Wacomah Coal Co.....	3,600
Detroit-Kanawha.....	5,000
Morton Coal Co.....	5,400
Nuckolls Coal & Coke Co.....	5,000
Greenbrier Coal Co.....	5,000
Grose Colliery Co.....	5,000
Hickory Camp Coal & Coke Co.....	5,520
	50,520

(All the above leases have been taken over by the Paint Creek Collieries Co., which now operates these properties.)

Imperial Colliery Co.....	7,500
Standard Splint & Gas Coal Co.....	5,000

The following is a statement showing donations of lands by the Paint Creek Coal & Land Co. for educational and religious institutions:

1. To the board of education Cabin Creek district, schoolhouse lot at Mucklow (near Jones Branch), October 31, 1901.
2. To the board of education Cabin Creek district, schoolhouse lot at Burnwell, November 25, 1903.
3. To the board of education district of Kanawha, in Fayette County, schoolhouse lot (near Mahan), September 2, 1904.
4. To the trustees of Tomsburg Church, church lot, Tomsburg, W. Va., August 1, 1906.
5. To the board of education Cabin Creek district, schoolhouse lot, Standard, W. Va., August 1, 1906.
6. To the board of education Cabin Creek district, schoolhouse lot, Toms Fork, August 1, 1906.
7. To the trustees of Mucklow Methodist Church, church lot, Mucklow, W. Va., August 24, 1906.
8. To the board of education Cabin Creek district, schoolhouse lot, Greencastle, W. Va. (Greenbrier lease), October 28, 1907.
9. To the board of education Cabin Creek district, schoolhouse lot, Pecktown, W. Va. (Greenbrier lease), September 15, 1908.
10. To the board of education Cabin Creek district, schoolhouse lot, Wacomah, W. Va., April 12, 1909.

In addition to the above donations of land, the following contributions of cash have been made:

On October 11, 1907, the Paint Creek Coal & Land Co. contributed \$1,000 toward the construction of the Sheltering Arms Hospital, which is located near by the Paint Creek properties at Hansford, W. Va.

On February 5, 1906, the Paint Creek Coal & Land Co. contributed \$500 toward a relief fund for the benefit of those who suffered in a mine explosion at the Detroit & Kanawha mine on the Paint Creek lands. The work connected with raising the entire fund was contributed by a representative of the Paint Creek Coal & Land Co.

NOTE.—All the Paint Creek lands are either in the "Cabin Creek district," Kanawha County, or in the "Kanawha district," Fayette County.

On reading the report of my testimony given on October 29, 1911, I find that it is inaccurate in the following particulars:

1. The Paint Creek Coal & Land Co. was incorporated in 1901 and not in 1895. The lands were purchased by Charles Pratt & Co. in 1895 and 1896.
2. There has been some drilling for oil on the property, but no oil has been found.

C. M. PRATT.

LEASE—PAINT CREEK COAL & LAND CO. TO THE GREENBRIER COAL CO.

[Recorded in lease book No. 13, p. 433, on Nov. 23, 1903.]

This contract of lease, made this 18th day of June, nineteen hundred and two (1902), between the Paint Creek Coal & Land Co., a corporation existing under and by virtue of the laws of the State of West Virginia, party of the first part, hereinafter called the Lessor, and the Greenbrier Coal Co., a corporation existing under and by virtue of the laws of the State of West Virginia, party of the second part, hereinafter call the Lessee, witnesseth:

First. That in consideration of the covenants, conditions, and stipulations as hereinafter set forth, to be well and truly kept and performed by the Lessee, the Lessor does let and lease, for coal-mining and coal-coking purposes only, subject to the reservations, terms, and conditions hereinafter more fully set forth, to the Lessee a certain tract of land and parcel of land situated in Cabin district, county of Kanawha, in the State of West Virginia, on the waters of Paint Creek, bounded and described as follows, to wit:

Beginning at (DW), a point at the mouth of Tenmile Fork of Paint Creek where six sycamores are marked as pointers; thence up and with the meanders of the said Tenmile Fork S. 68-18 W. 1,025.4 feet (to DV), S. 19-12 W. 290 feet (to DU), S. 86-42 W. 540 feet (to DT), N. 63-18 W. 185 feet (to DS), S. 73-17 W. 1,005.7 feet (to Dr) a point at the mouth of Keeneys Fork of the said Tenmile Fork (pointers, beech, sycamore, and hemlock); thence up and with the meanders of the said Keeneys Fork N. 67-49 W. 548.7 feet (to DQ), N. 50-33 W. 1,518.3 feet (to DP), N. 23-03 W. 199.2 feet (to DO), N. 57-18 W. 429.6 feet (to DN), N. 36-03 W. 419.2 feet (to DM), N. 50-07 W. 542 feet (to DL), N. 54-46 W. 566.6 feet (to DK) a point in the main forks of Keeneys Fork (pointers, two water birches); thence up and with the main fork of Keeneys Fork N. 78-36 W. 921.7 feet (to DJ) a point at the mouth of the second fork of Keeneys Fork; thence up and with the meanders of the said main fork of Keeneys Fork N. 64-35 W. 193.2 feet (to DI), N. 45-18 W. 545.9 feet (to DH), N. 62-33 W. 1,520.6 feet (to DG), N. 56-18 W. 309.8 feet (to DF), N. 42-27 W. 364.7 feet (to DE), a gum in the low gap on the divide between the head of said Keeneys Fork and the right-hand fork of the Cane Fork of Cabin Creek; thence northward along with the top of the dividing ridge between Paint Creek and Cabin Creek N. 53-53 E. 588.6 feet (to EA), N. 87-59 E. 578.4 feet (to EB), S. 82-44 E. 684.5 feet (to EC), N. 58-15 E. 244.8 feet (to Ed), N. 3 E. 260 feet to sassafras pointers, the southwest corner of Gibson 27-acre tract; thence with the two lines of the same, so as to include its area in this lease, N. 13 E. 836 feet to a hickory, corner to same; thence north 37 E. 1,270 feet to (EG) a corner of the said Gibson tract; thence, leaving the lines of the said Gibson tract and running down and with the meanders of Brushy Fork, S. 72-35 E. 610 feet (to BA), S. 78 E. 135 feet (to AZ), S. 75-30 E. 306½ feet (to AY), N. 88 E. 219 feet (to AX), N. 68 E. 118½ feet (to AW), N. 71½ E. 168 feet (to AV), N. 53 E. 315 feet (to AU), N. 38-15 E. 184 feet (to At), N. 56 E. 307 feet (to AS), N. 85½ E. 458½ feet (to AR), N. 63-40 E. 469½ feet (to AQ), N. 55½ E. 283 feet (to AP), N. 56½ E. 132½ feet (to AO), N. 40-46 E. 845 feet (to AN), N. 57½ E. 239 feet (to AL), N. 63½ E. 134½ feet (to AK), N. 75 E. 249½ feet (to AJ), N. 69½ E. 189½ feet (to AI), N. 83½ E. 309½ feet (to AH), N. 70½ E. 349½ feet (to AE), N. 82½ E. 319 feet (to AD), S. 68½ E. 160 feet (to AC), S. 80½ E. 284½ feet (to AB), S. 81½ E. 314½ feet to (AA) a point 30 feet south of Brushy Fork and 30 feet west of Paint Creek (pointers, four sycamores); thence east 60 feet to a point in the middle of Paint Creek; thence up and with the middle of Paint Creek south 20½ E. 265 feet, S. 15½ W. 215 feet, S. 37½ W. 800 feet, S. 21 W. 400 feet, S. 37½ E. 660 feet, S. 21-25 E. 280 feet, S. 35-55 E. 205 feet, S. 60-25 E. 350 feet, S. 74-25 E. 275 feet, S. 87-25 E. 295 feet, S. 62-55 E. 245 feet, S. 45-10 E. 175 feet, S. 46-10 E. 400 feet, S. 36-10 E. 400 feet, S. 3-35 W. 430 feet, S. 18-50 W. 550 feet, S. 34-50 W. 550 feet, S. 26-35 W. 390 feet, S. 23-35 W. 400 feet, S. 0-25 E. 240 feet, S. 53-55 E. 295 feet, S. 18-55 E. 250 feet, S. 22-25 E. 580 feet, S. 18-35 W. 265 feet, S. 81-05 W. 390 feet, N. 86-25 W. 260 feet, S. 06-55 W. 310 feet, S. 9-57 W. 669½ feet to the place of beginning, containing 1,250 acres, more or less.

The boundary line of said lease, number nineteen (19), is shown on the blueprint map hereto attached and made part and parcel hereof, containing one thousand two hundred and fifty (1,250) acres, more or less, included in the entire boundary for and during the time or term of years necessary to mine and remove all coal upon and under the hereby leased premises or until this lease is sooner terminated under its provisions.

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Saving and reserving, however, unto the party of the first part all land reasonably necessary for the development and extension of the railroad of the Kanawha & Pocahontas Railroad Co., or the construction of any other railroad or railroads in, upon, or through the tract of land above described, with the necessary stations and other buildings, sidetracks, turntables, turnouts, and other facilities for the efficient operation thereof.

Second. The lessee shall have the sole and exclusive privilege of mining coal, making coke, and shipping said coke and coal from the above-described premises during the continuance of this lease, and the privilege of using so much of the surface of the land and houses or buildings thereon, of the stone, sand, and water thereon, and the lessee is granted the right to cut and remove the timber within the hereby leased premises under the following conditions, to wit:

The said lessee shall have the privilege of using free of charge so much of the timber under twenty-four (24) inches in diameter measured at three (3) feet from the ground, except walnut and ash, as may be necessary for coal mining and coke making, and for the purpose of erecting any buildings or plant to be used by the said lessee in carrying on its business on the leased premises only.

It is further agreed that should the said lessee desire to cut and remove any timber measuring over twenty-four (24) inches in diameter at three (3) feet from the ground, except walnut and ash, to be used by said lessee in carrying on its business on the hereby leased premises only, the lessee shall be granted the privilege of cutting such timber upon the payment to the lessor of three (\$3) dollars for each tree which shall be marked and paid for in cash before same shall have been cut or removed.

It is further agreed that should the said lessee desire to sell the first and second grades of lumber manufactured from the trees above described the lessee shall pay to the lessor, in addition to the above-named rates in cash, and before the lumber shall have been removed from the hereby leased premises, for all lumber manufactured from trees measuring under twenty-four (24) inches in diameter at three (3) feet from the ground at the rate of five (\$5) dollars per thousand feet board measure, and from trees measuring over twenty-four (24) inches at three (3) feet from the ground at the rate of three (\$3) dollars per thousand feet board measure.

But the said Lessor reserves the right to enter upon the herein-leased premises for the purpose of mining, boring, and drilling thereon and therein for oil-gas and all other minerals except coal, and also for the purpose of cutting and removing any reserved timber, together with all necessary rights of way for pipe lines, inclines, tramroads, railroads, or other roads for removing same. But said reserved right shall be exercised reasonably and in such manner as not to unnecessarily interfere with the operations carried on by the Lessee or any improvements which he may have placed upon the demised premises.

Third. In consideration whereof the Lessee covenants and agrees to pay the Lessor, its successors or assigns, during the continuance of this lease, as rental for said premises, the following royalties: On the Eagle and gas-coal seam eight (8) cents for each and every ton of twenty-two hundred and forty (2,240) pounds of run-of-mine coal measuring in the coal seam three (3) feet and six (6) inches and over in thickness, and five (5) cents for each and every ton of twenty-two hundred and forty (2,240) pounds of run-of-mine coal measuring in the coal seam less than three (3) feet and six (6) inches in thickness, and on the hard-coal seam eight (8) cents for coal over four (4) feet in thickness, and five (5) cents under four (4) feet in thickness mined, dug, or carried away from or used or sold on the said premises for any other purpose than the manufacture of coke; and fifteen (15) cents per ton for each and every ton of twenty-two hundred and forty (2,240) pounds of coke made upon the said premises. No rents or royalties to be charged the said Lessee for coal which may be used by them in their power plant. The above rents or royalties to be paid and accounted for monthly, on or before the 20th day of each month, for the month preceding.

The said Lessee covenants and agrees to furnish the Lessor or its agents, on or before the 10th day of each month, proper certificates of the weighmaster, or of the proper officer of the Chesapeake & Ohio Railroad Co. in charge of the scales located on the line of the Kanawha & Pocahontas Railroad, of the quantity of coal and coke taken from said premises and passed over the said railroad during the preceding month, the rents or royalties to be calculated and paid upon the weights so returned. And if any coal or coke shall be taken away from or used or stored on the said premises and not weighed upon the

scale of the said railroad, the quantity shall be ascertained and account rendered of same in the manner most satisfactory to the Lessor.

Fourth. The Lessee further covenants and agrees that in case said rents or royalties do not in any month during the first year, commencing six (6) months from the 1st day of August, 1902, amount to at least two hundred and eight dollars and thirty-three cents (\$208.33), he will pay, on or before the 20th day of each month, such amount or sum as will make up the said sum of two hundred and eight dollars and thirty-three cents (\$208.33) for the month preceding. The object and intention of this clause being to establish a minimum rental for the first year for the said leased premises of two thousand five hundred (\$2,500) dollars. And in case said rents or royalties do not in any month during the second and each and every subsequent year of this lease amount to at least four hundred and sixteen dollars and sixty-six cents (\$416.66), he will pay, on or before the 20th day of each month, such an amount or sum as will make up the said sum of four hundred and sixteen dollars and sixty-six cents (\$416.66) for the month preceding. The object and intention of this clause being to establish a minimum rental of five thousand (\$5,000) dollars for the said second year and each and every subsequent year for the said leased premises for the term of this contract. It is further covenanted and agreed between the parties hereto that if for any month the royalty on coal actually mined shall be less than the said minimum rentals, it shall nevertheless be paid by the said Lessee promptly without demand.

The Lessee shall have the privilege during the next succeeding year of the lease of mining, free of charge of royalty, a sufficient amount of coal over and above the amount necessary to pay the minimum royalty for the year to reimburse the Lessee for the excess of rental over royalty thus paid by said Lessee in the preceding year, but no payments in excess of the minimum in any one year shall be credited against the deficiency in any subsequent year.

Fifth. It is further agreed that in the event of unavoidable delay, by reason of failure on the part of the Chesapeake & Ohio Railroad Co. to furnish necessary transportation, or a general strike among the employees, or any other cause not within the control of the Lessee, the Lessee shall be released from an equitable proportion of the minimum royalty, said amount to be determined as provided for in article 23.

Sixth. It is further agreed that the Lessee shall, in addition to the accounts and certificates required to be furnished as aforesaid, keep books of account of the mining and shipping of coal and coke, and the said Lessee shall render to the Lessor monthly statements on or before the 10th day of each month from the said colliery books of all the coal and coke mined and shipped therefrom during the preceding month, the said books to be open to the inspection of the Lessor, and their agents or their successors, for the purpose of comparing and verifying the accounts rendered.

Seventh. The Lessee hereby covenants that he will commence work upon the mining operations within ten (10) days from the 1st day of August, 1902, and will, during the entire term of the lease, work and mine the coal in the most effectual, workmanlike, and proper manner according to the most approved and suitable methods of modern mining, complying in every respect with the laws of the State of West Virginia and of the United States, now existing or hereafter passed, regulating the proper working of mines.

The Lessee further agrees, in order that the business of mining and shipping coal under this agreement shall be energetically carried on, they will within three (3) years from the date of this agreement complete a mining plant which shall have a capacity for producing and shipping not less than one thousand (1,000) tons of twenty-two hundred and forty (2,240) pounds per day of 10 hours.

Eighth. The Lessee further covenants and agrees that before opening a mine he will submit to the Lessor or the authorized agent of the Lessor, for his inspection and written approval, a general plan and system of the manner in which the mining work is to be carried on. Dimensions of entries, airways, pillars, and rooms shall be stated therein for his approval, after which no changes or modifications of said plan shall be made without first having obtained the written consent of the Lessor or their agent. And the Lessee further agrees that before locating or erecting any buildings, plant, or improvements during the term of this lease, the same shall be submitted to the Lessor or their agent for their written approval. No mine shall be opened, nor shall any buildings, plant, or improvements be located or erected without such written approval or consent.

Ninth. The Lessee further agrees that he will not, without the written consent of the Lessor or his engineer, mine out or excavate any coal within sixty (60) feet from the boundary lines of the premises above described. It being hereby agreed that this lease does not extend under the surface to any part of the said premises which lies within sixty (60) feet from the said boundary lines; and the Lessee further agrees that he will not rob, pare down, remove, or cut through any pillar or pillars shown in the mine plans above referred to in article 8 until such time as may be deemed advisable by and upon the written consent of the Lessor's engineer or agent.

Tenth. The Lessee further covenants and agrees that, provided he willfully or inadvertently, in violation of article 9 of this agreement, or without the written consent of the Lessor, mines out or cuts through within sixty (60) feet of the aforesaid boundary lines of said premises or mines out, pares down, or removes or cuts through any of the aforesaid pillars, he will pay on demand to the Lessor as liquidated damages, and not as a penalty, twenty-five (\$25) dollars for every cubic yard of coal so mined, the quantity of the same to be determined by the engineer or Lessor, whose decision shall be binding and conclusive.

Eleventh. If the Lessee, on abandoning any room, working, or other opening, shall leave any available coal standing which, in the opinion of the Lessor, is not necessary to be left for the proper security of the works, or if, in the opinion of the said Lessor, the robbing of any portion of the mine should be promptly undertaken, the said Lessor shall give the Lessee notice thereof, in writing, with instructions to remove the same, and if the Lessee shall fail or refuse to commence to mine and take the said coal according to the instructions of the said Lessor for the space of fifteen (15) days after such notice, or having begun fails to energetically prosecute the work of mining and removing said coal, the said matter or matters shall be forthwith submitted to arbitration under the terms of article 23.

If the written report of said arbitrators shall decide against the Lessee and the said Lessee shall refuse or neglect to mine such coal or fail to commence and continue said robbing for the space of two weeks after such report, the said Lessee shall forthwith become liable for and hereby agrees to pay to the Lessor, as liquidated damages, the sum of twenty (20) cents for each and every ton of twenty-two hundred and forty (2,240) pounds of the available coal left standing which, by said report, should have been mined or for the calculated tonnage of that piece of ground which should have been robbed, said twenty (20) cents per ton to become due and payable as a portion of the royalty as above provided, and upon payment of said twenty (20) cents per ton upon the whole amount of said calculated tonnage shall be entitled to remove the same without further payment or royalty thereon, provided said removal be completed prior to the termination of this lease.

Twelfth. The Lessee further covenants and agrees that the Lessor, their agents, engineer, or other persons on its behalf, with their assistants, shall have the right to enter at all times the said mines and all other works, whether below or on the surface of the ground, in order to inspect, examine, survey, or measure the same, or any part thereof, or for any other lawful purpose, and for these purposes to use freely the means of access to and exit from the said mines and said works without hindrance or molestation.

Thirteenth. It is further agreed that the Lessee shall employ a competent mining engineer, whose duty it shall be to keep accurate mine surveys and give directions and courses of entry, rooms, and air courses, and plan the same on a scale of 100 feet to the inch, and furnish a map to the Lessor or their agent on or before the 20th day of January, April, July, and October of each year, of all the mine work during the three preceding calendar months, and the engineer or agent of the Lessor shall at all times have access to the said maps, plans, tracings, etc., of the Lessee, and may take therefrom copies of the same.

If the Lessor or their agent shall at any time have reason to doubt the accuracy of said mine maps, or any part thereof, they shall request the Lessee to have made and delivered to them another survey and map of that part of the workings in question, and if the Lessee shall fail to furnish a new and accurate map within twenty (20) days therefrom, the Lessor shall immediately employ a competent mining engineer to do the work, and if the original map furnished by the Lessee shall be proved to be incorrect, the cost of the new survey shall be paid for by the Lessee.

Fourteenth. The Lessor agrees to pay all taxes assessed on the lands hereby leased, on the improvements thereon erected, and on the coal mined or coke made

during the continuance of this lease, as the same may fall due, and the Lessee hereby agrees that whatever proportion of the total taxes may be assessed on the improvements and products of this lease shall be added to and paid with the first royalty due the Lessor after the payment of said taxes by the said Lessor, and shall be governed by all the conditions above attached to the payment of royalties.

Fifteenth. The Lessee further covenants and agrees that he will, at his own expense, keep and maintain all houses, plant, tram roads, and all other improvements above and below ground, now erected or constructed or hereafter to be erected or constructed upon the aforesaid premises, in good working order and repair during the time or term of this agreement.

Sixteenth. The Lessee further covenants and agrees that he will, at his own expense, keep all such machinery and improvements as are referred to in article 15 sufficiently insured from loss by water, fire, or other causes, as, in the opinion of the Lessor's engineer or agent, could be damaged by water, fire, or other cause. The policies of insurance shall be for such amounts and in solvent companies, to be approved by the said Lessor, its engineer or agent, and shall be drawn so that in the event of a loss the insurance money shall be paid to the Lessor, to be refunded to the Lessee when proper contracts have accepted for rebuilding and replacing same by other machinery and improvements of equivalent quality and efficiency by the said Lessee.

Seventeenth. The Lessee further covenants and agrees that if any rents, royalties, or taxes shall remain unpaid for 30 days after the same become due and payable, as above provided, the Lessor shall have the right to enforce the payment of the same by the remedies given by law to landlords, and as provided for in article 20.

Eighteenth. The Lessee further covenants and agrees that he will not knowingly permit the sale or introduction of any spirituous or intoxicating liquors upon the leased premises.

Nineteenth. It is further covenanted and agreed that the abandonment of this lease or failure to mine coal and operate thereunder in good faith for any two consecutive months, unless occasioned by strikes or other causes to the Lessee unavoidable, shall, at the election of said Lessor, work a forfeiture of this lease, and the said Lessor may, at its option, without further notice, re-enter upon said leased premises and take and hold possession of the said premises and the improvements thereon in like manner as if this lease had not been made.

Twentieth. The Lessee further covenants and agrees that the Lessor shall have, in addition to the other legal remedies, the right to distrain any goods and chattels or any part of the within leased premises for any of the rents, royalties, or sums of money herein referred to that may at any time be in arrears; and that the laws of West Virginia relating to landlord and tenant shall be considered as extending to this lease and the estate created by it to enforce the payments of rents by distress or the recovery of the leased premises at the expiration of this lease or sooner determination thereof.

And the Lessee further agrees that, in addition to the property subject to distraint as aforesaid, the said lease and leasehold estate, with all structures, buildings, and improvements thereon, shall be liable for the rents and royalties, and a lien is hereby made, which shall be the first lien and charge upon said lease and leasehold estate, structures, buildings, and improvements, to secure the payment of said royalties and rents, which lien shall continue against said party or parties who may succeed to the rights of the said Lessee thereunder by assignment or judicial proceedings or by operations of law.

Twenty-first. The said Lessee shall not mortgage (except for benefits upon the leased premises) nor assign or sublet this lease or said premises hereby leased, or any part thereof, without first having obtained the written consent of the said Lessor, and any assignment or subletting made, or attempted to be made, by said Lessee without such written consent first had and obtained shall be null and void, and such assignment shall immediately forfeit this lease; but this covenant shall not be construed to prevent the Lessee from leasing any building or part of the premises to its miners or employees.

Twenty-second. Whenever, by reason of deficiency of quantity or thinness of the seams of coal upon the property, or other inherent defects in the seams of the coal, the said Lessee can not profitably continue the business of mining or shipping coal in said leased premises, then the said Lessee shall be entitled to have said lease canceled upon the payment of all rents, royalties, and taxes due to the Lessor up to the time for such cancellation, and if at any time, upon

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the said Lessee claiming the right to such cancellation, the Lessor shall not agree thereto, then the question shall be submitted to the decision of arbitrators as provided for in article 23.

Twenty-third. All questions of dispute arising under this contract or lease shall be decided by three arbitrators, one to be appointed by each of the parties hereto and the third by the two thus appointed. Said third shall be selected before proceeding with any matter to be submitted. In the event that the two arbitrators fail to agree upon the third within ten (10) days, then the judge of the District Court of the United States for the Southern District of West Virginia shall appoint a third. In case either party hereto shall neglect to appoint an arbitrator for the space of ten (10) days after receiving written notice from the other party to make such nomination, then the other party shall nominate two, and the two thus nominated shall appoint a third.

Twenty-fourth. It is expressly agreed by the Lessee that in case of failure on his part to comply with the covenants, agreements, and premises, or any of them, hereinbefore contained, on his part to be kept and performed, then such failure, at the election of said Lessor, shall thereupon entitle it to reenter upon and take possession of the leased premises and the improvements thereof and to remove said Lessee, and all persons claiming under him or his agents, from the same, and thereupon said Lessee shall not be entitled to any rights whatever, either legal or equitable, under his lease, nor entitled in any manner to regain possession of the leased premises or of any rights under this lease.

But it is expressly provided that before making or declaring any such forfeiture, the Lessor shall cause the Lessee to be served with a written notice of the intention of the Lessor to forfeit and make reentry, which notice shall state the cause or causes by reason whereof said forfeiture is claimed, and the said Lessee shall have 30 days after service of such notice within which time to remove such cause of forfeiture.

The above shall not be construed, however, as releasing said Lessee from any rents, royalties, or taxes which may be in arrears to said Lessor.

Twenty-fifth. At any time within six months after the expiration of this indenture, the said Lessee shall have the right to remove all the improvements from said premises, unless the said Lessors desire to purchase the same, and will pay the then value thereof, to be fixed by appraisers agreed upon by the parties hereto, if the parties hereto fail to agree upon their value.

In witness whereof the parties hereto have signed and sealed these presents the day and year first above named.

[SEAL.]

PAINT CREEK COAL AND LAND CO.,
By J. R. CLARKE, *Secretary*.

[SEAL.]

GREENBRIER COAL CO.,
By J. J. DUFFY, *Secretary*.

STATE OF NEW YORK, *County of New York*, ss:

I, William H. Erwin, a notary public of said State and county, do certify that J. R. Clarke personally appeared before me in my said State and county and being by me duly sworn did depose and say that he is secretary of the corporation described in the aforewriting bearing date on the 18th day of June, 1902, authorized by said corporation to execute and acknowledge deeds and other writings of said corporation, and that the seal affixed to said writing is the corporate seal of said corporation, and that the said writing was signed and sealed by him in behalf of said corporation, by its authority duly given. And the said J. R. Clarke acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and official seal this 18th day of June, 1902.

[SEAL.]

WM. H. ERWIN,
Notary Public, Kings County.

Certificate for Kings County filed in New York County.

STATE OF WEST VIRGINIA, *County of Greenbrier*, to wit:

I, J. W. Dwyer, a notary public of said county and State duly qualified, do certify that J. J. Duffy personally appeared before me in my said county and State and being by me duly sworn did depose and say that he is secretary

of the corporation described in the foregoing writing bearing date on the 18th of June, 1902, authorized by said corporation to execute and acknowledge deeds and other writings of said corporation, and that the seal affixed to said writing is the corporate seal of said corporation, and that the said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said ——— acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and official seal this 19th day of July, 1902.

[SEAL.]

J. W. DWYER,
Notary Public.

TESTIMONY OF EDWARD HARDING.

EDWARD HARDING was called as a witness and, having been sworn by the chairman, testified as follows:

Senator KENYON. You are an attorney at law?

Mr. HARDING. Yes.

Senator KENYON. And represent Mr. Pratt?

Mr. HARDING. Yes.

Senator KENYON. Have you represented other alien landowners of West Virginia?

Mr. HARDING. Yes.

Senator KENYON. Who?

Mr. HARDING. Sir Frederick Johnstone.

Senator KENYON. And who is he?

Mr. HARDING. He is an Englishman who inherited about 6,000 acres, I believe, situated near Sutton.

Senator KENYON. Coal lands?

Mr. HARDING. Coal lands; yes, sir.

Senator KENYON. Is that now held by his heirs?

Mr. HARDING. Yes; held by his estate.

Senator KENYON. Do you represent any other landownership?

Mr. HARDING. No.

Senator KENYON. None at all?

Mr. HARDING. None at all.

Senator KENYON. Well, by alien I did not mean foreign, but foreign to West Virginia.

Mr. HARDING. No; no others.

Senator KENYON. That is all.

Mr. KNIGHT. Senator Kenyon, you had better let the record show that Sutton is in Braxton County, a considerable distance from the scene of the trouble here, and that that land, if it contains coal, has never been developed.

Senator KENYON. Is that correct, do you agree to that statement, Mr. Belcher?

Mr. HARDING. Yes.

Mr. BELCHER. That is true.

(The chairman then read the following telegrams from Gov. Hatfield and his reply thereto:)

EXHIBIT No. 1.

CHARLESTON, W. VA., October 27, 1913.

Senator CLAUDE A. SWANSON, *Washington, D. C.*:

The evidence of W. H. Thompson, a witness before your subcommittee in the Paint Creek district matter of September 12, so far as it applies to my treatment of him, is false, and will be so stated by the jailer, sheriff, and myself.

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Will you permit affidavits, or should they appear? Your committee should take steps to arrest Thompson for perjury. As I take it, you wish your report based upon facts, and anything to the contrary would be an insult to the dignity of your body.

H. D. HATFIELD.

OCTOBER 28, 1913.

Gov. H. D. HATFIELD, *Charleston, W. Va.:*

Your telegram just received. Will be very glad to hear any witnesses that you or anyone on behalf of the State of West Virginia may desire to have heard at any time suiting your or their convenience. Will also be very glad to have any affidavits that you or others may wish to file. If not accepted by the committee, opportunity will be given affiants to testify fully.

The committee will have a meeting to-morrow, when Attorney General Lilly's letter of September 29 and your telegram will be presented for consideration and action. Have just talked with Gen. Wallace over the telephone, and he asks to have hearings set for to-morrow continued for Thursday, so that he and witnesses may have an opportunity to be heard. This will be done.

Please be assured that the committee has no desire except to give to this and all other matters the subject of its investigation full and impartial consideration and to ascertain the true facts and exact situation. It will be pleased at all times to receive any suggestions from you, or the names of any parties who desire to appear before it as witnesses.

Very respectfully,

CLAUDE A. SWANSON,
Chairman subcommittee.

CHARLESTON, W. VA., October 28, 1913.

HON. CLAUDE SWANSON, *Chairman Subcommittee,*
United States Senate, Washington, D. C.:

Your message received. Judge Pierson, my personal representative, will appear before your committee Wednesday morning with affidavits refuting certain testimony given by witnesses previously examined. I trust it will be the pleasure of the committee to admit these affidavits.

H. D. HATFIELD, *Governor.*

(The chairman directed Mr. Horne, clerk of the subcommittee, to read the following affidavits of Gov. H. D. Hatfield, Bonner H. Hill, P. C. Russell, and T. E. Martin:)

EXHIBIT No. 2.

Affidavit of H. D. Hatfield, governor of the State of West Virginia, relative to certain statements made by W. H. Thompson, a witness before the subcommittee of the Committee on Education and Labor of the United States Senate, on Friday, September 12, 1913, concerning conditions in the Paint Creek district of West Virginia, in regard to certain alleged conversations between the said W. H. Thompson and the sheriff and jailers of Kanawha County, relative to orders from the governor as to where the said Thompson should be kept.

H. D. Hatfield, a witness of lawful age, being first duly sworn, deposes and says:

I have read the evidence given before the subcommittee of the Committee on Education and Labor, by one W. H. Thompson, on September 12, 1913, and wish to say that Thompson was arrested and committed to jail under serial section 290 and other sections of chapter 14 of the Code of West Virginia, under warrant issued by me and given to the civil and military officials to be executed about May 5, 1913.

I gave to W. H. Thompson, and others who were confined in the jail at that time, the opportunity of being released upon bail for their good behavior, as a guaranty that they would cease their activities in attempting to bring about insurrection and riot, as well as the encouragement of a continuation of the strike that had so long existed in the Paint and Cabin Creek coal fields.

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One Fritz Merrick, who was committed to jail near or about the same time as W. H. Thompson, applied to the circuit court for a writ of habeas corpus. I suggested to the judge that I should be very glad to release Fritz Merrick or any of his associates if they would agree to give a bond for their good behavior. This they refused to do.

I at no time suggested to any jailer or sheriff as to where or how these men should be confined. I had no conversation with either jailers, P. C. Russell or T. E. Martin, by phone or otherwise, nor to my knowledge have I ever met either of these gentlemen; nor did I have any conversation with Sheriff Hill as to where W. H. Thompson or any of the rest of these men should be confined in the prison. In several instances I turned men out on their own recognizance after an assurance upon their part that they would not aid further or encourage the insurrection in the strike field, and some of these men were W. H. Thompson's associates and were arrested at the same time and in the same city as was Thompson.

HENRY D. HATFIELD.

STATE OF WEST VIRGINIA, *County of Kanawha, ss:*

Taken, subscribed, and sworn to before me this the 28th day of October, 1913, in my said county and State.

[SEAL.]

CALVIN F. YOUNG,
Notary Public.

My commission expires March 21, 1923.

Affidavit of T. E. Martin relative to certain statements made by W. H. Thompson, a witness before the subcommittee of the Committee on Education and Labor of the United States on Friday, September 12, 1913, concerning conditions in the Paint Creek district of West Virginia in regard to certain alleged conversation between the said W. H. Thompson and the head jailer of Kanawha County Jail relative to orders from the governor as to where the said Thompson should be kept.

T. E. Martin, a witness of lawful age, being first duly sworn, deposes and says:

I was head jailer in Kanawha County at time W. H. Thompson was confined in said jail. I have read the evidence given by said W. H. Thompson before the Senate committee in reference to certain alleged conversation that he should have had relative to certain orders to me from the governor as to where I should keep him, and as to my treatment toward him.

Gov. Hatfield never at any time talked to me over the telephone or in any other manner as to how I should treat Thompson while he was in jail or as to where I should keep him. I never said to Thompson that the governor had ordered me to put him in the cell among the negroes. I never called Gov. Hatfield over the phone and talked to him about Thompson while he was in jail under my charge. Thompson received the same treatment that was accorded all other prisoners in the jail while he was there. If anything, I showed Thompson more courtesy than some others. I attempted to treat all alike. The crowded condition of the jail made it necessary to keep colored and white prisoners together in the daytime in the corridor, but at night they were separated and did not stay in cells together.

I notice that Thompson states there was no bedding or anything to sleep on. I went especially and got a cot for Thompson to sleep on during the time he was confined in the jail.

And further this deponent saith not.

T. E. MARTIN

STATE OF WEST VIRGINIA, *County of Kanawha, ss:*

Taken, subscribed, and sworn to before me this the 27th day of October, 1913, in my said county and State.

[SEAL.]

CALVIN F. YOUNG,
Notary Public.

My commission expires March 21, 1923.

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Affidavit of Bonner H. Hill, sheriff of Kanawha County, relative to certain statements made by W. H. Thompson, a witness before the subcommittee of the Committee on Education and Labor of the United States Senate, on Friday, September 12, 1913, concerning conditions in the Paint Creek district of West Virginia, in regard to certain alleged conversation between the said W. H. Thompson and Bonner H. Hill, sheriff of Kanawha County, relative to orders from the governor as to where the said Thompson should be kept.

Bonner H. Hill, witness of lawful age, being first duly sworn, deposes and says:

As sheriff of Kanawha County I received W. H. Thompson in the Kanawha County Jail on commitment papers issued by Gov. Hatfield. I never received any instructions from Gov. Hatfield or any other person as to how W. H. Thompson should be confined, treated, or that he should be kept in any particular cell, and so far as I know the treatment he received was such as all prisoners receive that come to this jail.

At the time W. H. Thompson was confined in this jail we had an unusually large number of prisoners and were somewhat crowded, but at no time did I have any orders from Gov. Hatfield to confine W. H. Thompson in a cell with a negro, as he has stated in his evidence before your committee.

BONNER H. HILL.

STATE OF WEST VIRGINIA, *Kanawha County*, ss:

Taken, subscribed, and sworn to before me this the 27th day of October, 1913, in my said county and State.

[SEAL.]

CALVIN F. YOUNG.
Notary Public.

My commission expires March 21, 1923.

Affidavit of P. C. Russell, relative to certain statements made by W. H. Thompson, a witness before the subcommittee of the Committee on Education and Labor of the United States Senate, on Friday, September 12, 1913, concerning conditions in the Paint Creek district of West Virginia, in regard to certain alleged conversation between said W. H. Thompson and the night jailer of Kanawha County Jail, relative to orders from the governor as to where the said Thompson should be kept.

I was night jailer of the Kanawha County Jail during the time that W. H. Thompson was incarcerated in said jail. I have read the statement which the said W. H. Thompson made before the Senate committee in Washington, D. C., investigating conditions in the Paint Creek district relative to certain alleged conversation which I had with him in reference to where he should be kept in said jail.

I desire to say that the statement made by Thompson is absolutely a falsehood, every word of it, from beginning to end. I had no such conversation with him. I did not tell him it was the order of Gov. Hatfield that he was to be put in the lower cells among the negroes. I have never had any conversation with Gov. Hatfield over the telephone, or in any other manner, relative to this or any other subject. I never called Gov. Hatfield up over the phone relative to this man, nor did Gov. Hatfield ever call me, and he never, directly or indirectly, gave me any instructions as to where I was to keep Thompson or any other prisoner, or as to my treatment relative to him in any manner whatsoever.

I had never seen Thompson prior to his incarceration, except on one occasion.

P. C. RUSSELL.

STATE OF WEST VIRGINIA,
Kanawha County, ss:

Taken, subscribed, and sworn to before me this the 27th day of October, 1913, in my said county and State.

[SEAL.]

JOHN C. BOND, *Notary Public.*

My commission expires April 10, 1921.

The CHAIRMAN. These affidavits, unless there is some objection, will be received, except this portion of the affidavit of Mr. Russell,

which refers to Thompson's father committing suicide. That ought to be eliminated. With that exception we will include these affidavits in the record for consideration, and if Mr. Thompson wishes to file an affidavit he can supply us with some affidavit on a specific question.

(The chairman then read the following letter from Attorney General Lilly and his reply thereto:)

EXHIBIT No. 3.

STATE OF WEST VIRGINIA,
OFFICE OF ATTORNEY GENERAL,
Charleston, September 29, 1913.

HON. CLAUDE A. SWANSON,
United States Senator, Washington, D. C.

DEAR SENATOR SWANSON: I have just been advised that in the closing hours of the investigation by your committee in the Paint and Cabin Creek districts of this State, Mr. Houston, through Mr. Boswell as witness, introduced certain evidence, highly colored, for the purpose of affecting the present State administration. I am not advised as to what the evidence was, but Col. Wallace tells me there was an agreement made whereby no evidence of that kind, or evidence affecting the action of the present administration, would be introduced; and for that reason the State was not represented.

I would be glad if you would write me fully as to the nature of Mr. Boswell's testimony, whether or not such agreement existed, and whether or not the committee would entertain a motion to have this evidence—if so desired by the State—expunged from the record.

I think you will agree with me, my dear Senator, that there was a grave situation confronting the present governor, that had existed for almost a year, and bad matters were growing worse from time to time, and that it was necessary for the governor to quell, as best he could, the riotous condition that existed; and in doing so the governor only used the military commission which had theretofore been created by Gov. Glasscock as an inquiring and investigating body to ascertain the facts, and did not confirm the finding of the commission in a single instance, and acted purely and simply under and by virtue of the authority delegated to him under and by virtue of chapter 14 of the code; and we feel that his acts in regard to these disturbances were justified and do not believe, especially if Col. Wallace is properly advised as to the agreement in regard to this character of evidence, that it should be allowed to remain in the record. I will appreciate a full reply in regard to the matter, and any suggestions you may make in relation thereto.

With kind personal regards, I am, very truly, yours, A. A. LILLY.

OCTOBER 7, 1913.

HON. A. A. LILLY,
Attorney General, State of West Virginia, Charleston, W. Va.

MY DEAR GENERAL: Your letter of September 29 was duly received, at a time when the record of the West Virginia investigation, including Mr. Boswell's testimony, was in the hands of the printer. The record has been delivered for distribution, and I am to-day forwarding to you a copy of the same.

I am not aware of any agreement as suggested by Col. Wallace, indicated in your letter, with reference to the introduction of this or any other evidence, but if after reading Mr. Boswell's testimony you desire to submit any statement in rebuttal on behalf of the State of West Virginia the committee will be very glad to receive it.

At the next meeting of the subcommittee I will call attention to your letter, when your suggestions will be given full consideration. The subcommittee will meet again just as soon as some of its members who are absent from Washington shall have returned to the city.

With kind regards and best wishes, I am,
Sincerely, yours,

CLAUDE A. SWANSON,
Chairman Subcommittee.

The CHAIRMAN. Now, is there any other witness on behalf of the governor or any of the State authorities you wish to have examined, or any other affidavits which you wish to file, Mr. Pierson?

Mr. PIERSON. No, sir; I do not know of any. I think that Col. Wallace had reference to this matter when he talked to Senator Shields about being here to-morrow.

The CHAIRMAN. He talked to me and telegraphed me. Will you telegraph him that he need not come.

Mr. PIERSON. Yes.

Senator SHIELDS. I do not think he talked to me about it.

The CHAIRMAN. No; he talked to me.

Mr. PIERSON. I understood it was with Senator Shields. It was your understanding, at any rate, that it was about this matter?

The CHAIRMAN. Yes.

Mr. PIERSON. That was my understanding, and I will wire him.

The CHAIRMAN. If Mr. Thompson and Mr. Boswell wish to file any additional affidavits, or if the governor or any other official of the State wish to file any affidavits within the next 10 days, we will give them that permission, if it does not open up any new matters of investigation and inquiry. We have some other affidavits here which I wish to call to the attention of the committee. The question of veracity has arisen in connection with the sheriff and Mr. Scherer. Mr. Hill testified first and then Mr. Scherer testified subsequently, and these matters appear to be some matters which Mr. Hill did not testify on, and I thought rather than have these witnesses summoned here we would let these affidavits go in.

Mr. KNIGHT. Have you Mr. Scherer's affidavit?

The CHAIRMAN. Mr. Scherer did not make an affidavit, but Mr. Hill and Mr. Lenz did. I sent Mr. Hill a copy of Mr. Scherer's evidence so he could have a chance to reply to it, and when Mr. Hill sent me his affidavit I sent Mr. Scherer a copy of it and asked him if he wished to reply to it, so that he would have that opportunity. The clerk will read Mr. Hill's affidavit.

(The clerk read the following affidavit of Mr. Bonner H. Hill:)

EXHIBIT No. 4.

This day personally appeared before me the undersigned, a notary public within and for the county of Kanawha, State of West Virginia, Bonner H. Hill, who, being by me first duly sworn, deposes and says as follows:

I desire to state to the United States Senate committee investigating the mine trouble on Paint and Cabin Creeks that on February 7, 1913, I talked over phone to L. L. Scherer, special agent for the Chesapeake & Ohio Railway Co., who said he was in Richmond, Va., at the time of our conversation, but positively did not ask him for the use of his armored train or any of his men. Our conversation was as follows:

He asked me what was the trouble on Paint Creek, and I told him of the shooting at Mucklow and Holley Grove during that day, and he then asked me if I was going up there on the train, and I informed him that it was my intention. He then told me to tell Mr. Lenz, the man in charge of the Bull Moose train, to come to the phone, which I did, and our conversation ceased.

BONNER H. HILL.

Subscribed and sworn to before me this 16th day of September, 1913.

[SEAL.]

E. E. HARLESS,

Notary Public in and for said Kanawha County, W. Va.

The CHAIRMAN. If there is no objection, we will include that in the record. Now, then, I sent Mr. Scherer a copy of this affidavit.

I think Mr. Scherer wanted to have Mr. Hill summoned here so he could be cross-examined, but we would not have time to do all that, so I sent him a copy of the affidavit which has just been read, and he replied, and I sent his reply back to Sheriff Hill. There are the two statements that Mr. Scherer wants to have put in the record in reply to Mr. Hill. He did not make an affidavit, but he has affidavits from two witnesses that he wished to have put in the record—of Mr. Lenz and Mr. Payne.

(The clerk then read the affidavits, which are as follows:)

EXHIBIT No. 5.

This day personally appeared before me, the undersigned, a notary public in and for the city of Richmond, State of Virginia, George A. Lenz, who, being by me first duly sworn, deposes and says as follows:

On February 7, 1913 (I do not know the exact time, but it was after 8 p. m.), Sheriff Bonner Hill came to me in a room at the Ruffner Hotel, Charleston, W. Va., and told me that he wanted me and my men to go to Mucklow with him, and to go into the woods with him and get the men out of the woods who had been shooting up Mucklow; that he saw the governor and prosecuting attorney, and they said it was up to him to get them out of there.

I asked him if he did not have any men, and he said "No; only one or two." I told him then that I could not leave the railway company's property; that my instructions were to stay on the company's property and look after it; and that I would not go unless he got orders from Mr. Scherer.

He then told me he would have to get some men himself; and said "You will take us in there, won't you?" I said, "Yes; if you get instructions from Mr. Scherer, the train will go in there, and I will go with it."

Mr. R. B. Payne then called Mr. Scherer, at Richmond, over the long-distance phone, and told him of the trouble at Mucklow, and also stated that the governor had ordered Sheriff Hill to get a posse and proceed to Mucklow, and that he asked for the train and our men to go with him.

Sheriff Hill then talked to Mr. Scherer over the phone and stated to him that he wanted his men to help him, and wanted the train to go up there. Sheriff Hill stated that Mr. Scherer said it was all right to take the men up the creek; but that Lenz and his men must not leave the property of the Chesapeake & Ohio Railway Co. Mr. Scherer called me to the phone and gave me the same instructions, viz. that we were to assist the sheriff in every way possible, but were not to leave the company's property.

After the conversation over the phone, I advised Sheriff Hill not to go to Mucklow that night; however, Sheriff Hill stated that he had to go in that night, that the governor and prosecuting attorney were both after him.

I asked Sheriff Hill on what authority myself and men were going in there, and he said that I was going in with him under instructions of the Commonwealth attorney.

GEO. A. LENZ.

Subscribed and sworn to before me this 23d day of September, 1913.

[SEAL.]

L. A. STANARD,

Notary Public in and for said City of Richmond, State of Virginia.

My commission expires January 19, 1914.

This day personally appeared before me the undersigned, a notary public in and for the city of Richmond, State of Virginia, Richard B. Payne, who, being by me first duly sworn, deposes and says, as follows:

On the afternoon of February 7, at about 8.30 o'clock p. m., Sheriff Bonner H. Hill came to me at room 314, Ruffner Hotel, Charleston, W. Va., and told me about the trouble at Mucklow, on Paint Creek, that afternoon, saying that he had been instructed by the governor and prosecuting attorney to secure a posse, and proceed to the seat of trouble, and asked whether or not our special train had reached Charleston, stating that he had received his orders too late for the evening train, and he would, therefore, have to go on a special.

2146 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

I replied to him that I had been away for several days and had just then reached Charleston, and did not know anything about the movement of the special train, but that I would call Mr. E. L. Bock, train master, Handley, W. Va., and ascertain if he had received orders for the train. Mr. Bock advised me that the train was then on its way to Charleston, but did not say who had ordered it.

A little later Mr. Lenz, who was in charge of the special train, came in; and Mr. Hill stated to Lenz that he had been unable, so far, to get any men to accompany him; and would like to have Lenz and his men assist him, whereupon I told Mr. Hill that this arrangement could not be had without first securing permission from Mr. Scherer. I then called Mr. Scherer by long-distance phone and gave him full particulars of the trouble, also of Sheriff Hill's request. Mr. Scherer said that Lenz and his men could assist the sheriff in any way possible, in so far as the company was interested, but that they must not, under any circumstances, leave the company's property. I then asked Mr. Scherer to talk to Sheriff Hill, who was standing by me at the phone, and judging from the conversation, also from Mr. Hill's statement later, Mr. Scherer told him the same as he told me.

RICHARD B. PAYNE.

Subscribed and sworn to before me this 23d day of September, 1913.

L. T. STANARD.

Notary Public in and for said City of Richmond, State of Virginia.

My commission expires January 19, 1914.

The CHAIRMAN. I also want to include a letter which I wrote to Sheriff Hill, and a further affidavit he makes after reading those referred to in my letter.

(The clerk then read the letter, as follows:)

EXHIBIT No. 6.

OCTOBER 7, 1913.

MR. BONNER H. HILL,
Sheriff Kanawha County, Charleston, W. Va.

MY DEAR SIR: I sent a copy of the affidavit which you desired to have incorporated in the record of the West Virginia hearings to Mr. L. L. Scherer, of the Chesapeake & Ohio Railway Co., at Richmond. He has sent to me two affidavits which he desires to have incorporated in the record also.

I will bring to the attention of the committee your affidavit, and also the two from Mr. Scherer referred to, for determination as to whether or not they shall be incorporated in the record.

I inclose to you herewith a copy of the two affidavits sent me by Mr. Scherer, that you may know their contents and take such action as you may deem proper.

Very truly, yours,

CLAUDE A. SWANSON,
Chairman subcommittee.

This day personally appeared before me, the undersigned notary public in and for the county of Kanawha and State of West Virginia, Bonner H. Hill, who, being by me duly sworn, deposes and says as follows:

"On February 7, 1913, after Mr. Morton had informed me that he had arranged for the C. & O. special train to take me and my men to Mucklow, on Paint Creek, I did go to Mr. Payne's room in the Ruffner Hotel and ask him if he knew anything about that train, and he informed me that he did not, but did some telephoning to find out where it was; I also informed him that it was my intention to go to Mucklow on that train, but did not ask him, Mr. Lenz, or any other person for the use of the train further than I was ready to go to Paint Creek and would go if there was any means of transportation.

"I do not remember telling Mr. Lenz I wanted him and his men to go with me into the woods after the men at Mucklow, and am quite certain I did not have such talk to him."

BONNER H. HILL.

Given under my hand this 11th day of October, 1913.

[SEAL.]

E. E. HARLESS,

Notary Public in and for said Kanawha County, W. Va.

My commission expires February 9, 1921.

The CHAIRMAN. Now, then, is there any other affidavit or affidavits that any of the committee desire to introduce?

Mr. HORNE. No, sir.

The CHAIRMAN. Senator Shields presented something. Is that to go in the record?

Mr. HORNE. Yes.

Senator KENYON. There was some understanding about certain things to go in, made between counsel.

The CHAIRMAN. Here is a letter from Mr. Hill which might go in also, dated October 10.

(Letter read is as follows:)

EXHIBIT No. 7.

SHERIFF'S OFFICE, KANAWHA COUNTY,
Charleston, W. Va., October 10, 1913.

Senator CLAUDE A. SWANSON,
Washington, D. C.

DEAR SIR: Inclosed please find a supplement to my former affidavit. This seems to be a question of veracity between Mr. Scherer, Mr. Payne, Mr. Lenz, and myself. I have no witnesses to these conversations which took place in the room at the Hotel Ruffner, but do feel that I would not be doing myself justice if I did not resent these statements in some manner. So far as my having charge of Mr. Lenz and his men on the evening of February 7, 1913, I did not, but was given to understand that they, or some of them, were railroad officers appointed by the governor to protect the C. & O. Railway Co.'s property, and so long as they were on the property of that company they were supreme so far as the county officials were concerned; but however that may be, as sheriff of Kanawha County, and under the circumstances which existed at that time and had existed that day, I felt it my duty to go to Mucklow that night, and, as I have stated to your committee, I do believe the train was fired at by the miners before a single shot was fired from the train, and not only the men in the baggage car, which I claim was in charge of Mr. Lenz and not me, but men in the car with me and deputy sheriffs recommended by me to the county court for appointment and then working for me, shot, and I would have shot also if the gun I got hold of had been loaded, for I firmly believe the attack was made from the outside and planned in advance.

There might have been a few inhabitants living in the extreme upper end of the village who were ignorant of the arrangements of the miners and thought they were being attacked, but if they were, they were only a short time in bringing their guns into use, and in my opinion that was the reason for the firing throughout the entire village.

I assume all the responsibility for the action of my men, but do not care to be criticized for the things I did not do or say and beyond my control.

Very truly, yours,

BONNER H. HILL, Sheriff.

Senator SHIELDS. This matter that Senator Swanson presented was sent to me by Mr. Vinson, and was a paper which he was to prepare at the last hearing or was directed later to prepare and send here to go in, and he sent it to me and I sent it to Senator Swanson.

(The paper is as follows:)

EXHIBIT No. 8.

[229.]

Mr. LEWIS, Ohio. We talk about our inability to organize in order to get a fair price for fuel. There isn't any law in this country that compels an operator to give his coal away or to sell it at any other figure than he wants to sell it. That is a fundamental principle of law, that you are not compelled to give your property away. There isn't any law in this country that will com-

pel the miners to work unless they want to work, and there isn't any man in public life who will assume to say that either of us will have to do other than I have stated.

* * * * *

And if we as miners and operators, instead of spending so much of our time expressing sympathy—which is very good in its place—and granting relief, would jointly charge the representatives of the Government, State and National, who were responsible for the enactment of the Sherman antitrust law and every State anticonspiracy law in this country with being responsible for the loss of the lives of men in the coal mines, we would be doing a great deal better work for this industry.

[236.]

Mr. MAURER, Ohio. We have this West Virginia competition; it is serious, and you know it. And you know you will put West Virginia operators and West Virginia railroads just where they were if you take from us the little advantage we have gained. Now, I am going to admit, and admit freely, that there is competition among ourselves. We can not get away from that and we have tried. Now, let me give you a little history, boys. I told it in the sub-scale committee in Indiana. Now, you know we argue theories. While the Sherman antitrust law is in force and while the Valentine law in Ohio is in force we can not carry out these theories. The Valentine law was argued two years ago in Cincinnati, but the Valentine law is still on the statute books of Ohio; it is there, boys, but I think you can get it taken off if you go after it right. I think with our cooperation you can get it off. Nobody is more anxious to get it wiped out than the operators of Ohio.

It is useless to say we have not tried to prevent competition. We tried after we came back from Cincinnati. This same charge was made there, that we could get together and maintain a price. Over in Eastern Ohio we conceived the idea—and I don't care if this goes into the record—I want to say to you gentlemen on the other side that I am not a coward—five or six of the larger companies conceived the idea of going out and buying coal in this field and avoiding the competition. We were not going to hurt the dear public a bit. We said we were going to try to get a dollar for mine run of coal. And you will agree that was a reasonable price. Inside of three weeks several of us received letters from the attorney general of the State that he would like to see us.

Now, the attorney general is a gentleman I have a great deal of respect for. Had it been some people who are playing politics, they would have called a grand jury to investigate. The attorney general invited us down to see him. I will not tell you who the other fellows were; they might not want it. We went down to Columbus, and we put the cards squarely and fairly on the table face up. We said, "Mr. Denman, we were trying to build up a broken-down, decrepit industry; we were trying to put this industry in eastern Ohio—where 40 or 50 per cent of our coal is left in the ground because we can not mine it—on a basis where it would have some value to the State, where we could afford to pay our miners a living wage, where we could get some return on the investment in some cases and keep the sheriff away from the others."

Our operator sat there and said he could not buy coal. He said he had contracts at 95 cents, and he could not buy any coal in eastern Ohio for 95 cents, and he knew there was a combination. He was right about the price. We were paying 85 cents. I said to the attorney general, "He is stating the absolute facts. We may be wrong; we may be acting against the Valentine law; but I want to say to you I would rather be in the attitude of these gentlemen over here, who are trying to build up an industry, than in the attitude of that gentleman who is trying to tear it down." I guess he agreed with us. He said afterwards, "Of course, you put a man in my place in a mighty bad position, but there is the law, and I must enforce it. You have got to go home and surrender these contracts."

Now, that is how near we came to it. We tried. Don't think for a minute we are not doing everything human beings can do. *I agree with Mr. Leuts that some steps must be taken, and preferably from your side of the house, to get these obnoxious laws off our statute books.* They are doing nobody any good, and they are preventing every man in our kind of business—producing natural resources—from doing a legitimate business. If I, as an Ohio operator, went before the Ohio Legislature and attempted to have an amendment made to the

Valentine law to protect us, the Scripps-McRae papers would paint me so black that my intimate friends would not recognize the picture.

If your side of the house, with the power of the ballot back of you, will go before the Ohio Legislature and tell them frankly, as I am telling you, that the Valentine law is preventing our operators from getting out the coal, that it is preventing the industry from making the money it should make, that it is preventing the operators from building their mines in such a way as to protect life, that law will be repealed. It is in your power. The same applies to the anti-Sherman law.

[257-8.]

Mr. WALKER, of Illinois. I say to you now, gentlemen, that in the face of the present situation I honestly believe that if you want to do the thing that will be best for your own interests, as operators who want to give us the right to organize and fair treatment, you should use your influence not to rob the public or take a penny from any man we are not entitled to in this industry, but simply to bring about that state of affairs where you can get the prices from men they ought to be willing to give when they understand the conditions, and enable us to do that work of organizing and getting the conditions we should have. You should be as willing—you should be as anxious as we are, if not more so—to give at least sufficient of an increase in wages and sufficient improvement in conditions to make the strongest incentive possible under the circumstances to induce those men to come into our organization.

And if that is done, instead of hiring guards to keep our organization from being established over there, you should do what you can to get the organization established. I know it will mean the giving up of a few dollars; there is no question about that.

[271.]

Mr. FEEHAN, of western Pennsylvania. The situation is this, as I view it: Market conditions are good. When the mine workers met in international convention and formulated these demands it was quite evident to everyone that the coal consumers of the country were in sympathy with them. When our demands became known to the public the price of coal went up. We have already fixed the market for it. Our demands have brought about a substantial advance in the selling price of coal, from \$1 to \$1.50 a ton. The market is fixed for you; all you need to do is to go in and maintain it. The public has expressed a desire to pay it; they are already paying it and will continue to pay it if you exact it from them. If you don't exact it from them, we are not responsible. We insist on having an advance in wages. The market is prepared for it, the future outlook is very encouraging, and there can be no logical reason advanced why we should not receive it.

[330-333.]

Mr. PENNA, of Indiana. The matter I spoke of will not wait. Congress is in session now. Gentlemen from the respective States have been appearing before the United States Senate Committee on Interstate Commerce and having extended hearings. It looks to that committee a whole lot as though they are prompted by selfish interests; that is, unwise and unwarranted selfish interests. Now, the miners have taken no hand in this affair, and it affects them just as much as it does the coal operators. I believe a committee from this body would have influence with that Senate committee if they appeared before it and said we would like to have the Sherman antitrust law so amended as to permit coal operators to enter into agreements on selling prices of coal to alleviate the situation; and, to remove any fear of the coal operators, we are willing that a commission be appointed, as is now done in the railroad interests, to say to the coal operators of this country that when they do so agree on schedules of selling prices those schedules shall not be exorbitant; that they shall not be unreasonable or unfair. I believe we have reached a time when something of this kind must be done. I believe a joint committee from this body appearing before the Senate committee would be more effective than all the individuals we can send or any representatives of any civic league or club or anything else.

I move, Mr. Chairman, that there be a committee appointed here composed of one representative of the miners and one representative of the operators from each of the districts represented here, together with the chairman of this meeting and International President White, and that that committee be instructed to ask for a hearing at the earliest date before that committee.

Mr. McKAY of Pennsylvania. Are you willing to tack onto that a clause exempting the labor organization from the workings of the Sherman antitrust law?

Mr. PENNA. If we can get loose we are willing that you get loose, but we are not willing to let you stay loose while we are tied up. Now, the fact of the matter is there is no danger of the Sherman antitrust law applying to the trades-unions; at least not for a long, long time. When the trades-unions become stronger and more dominant and arrogant, and ignore the rights of the people entirely, then legislation will have to deal with the trade-union proposition and limit those powers. But we have not reached that point yet. In my opinion it is coming, but I don't think we need to go out and borrow trouble. For the time being I am not averse to your proposition.

Mr. MOORE, of Ohio. I would like to ask you a question, Phil. Does that motion mean to select a committee for this particular purpose and on this particular occasion, or do you expect to make it a permanent committee?

Mr. PENNA. I am only providing for this one occasion. Your Valentine law in Ohio and all the other laws, it seems to me, are the outgrowth largely of the Sherman antitrust law. I do not believe we would have much trouble in the States if we fixed it nationally. I understand that is provided for in the motion which would give your president and Mr. Kolsem, the chairman of this meeting, power to call together the body that will be provided for at any time.

Mr. LEWIS, of Ohio. I believe we have a very important matter before us in the committee, and I believe such a commission ought to be created. I believe we ought to give reasons for creating such a committee. Have I the consent of the chair to offering a motion? If so, I desire to offer, as briefly as I can, a preamble and a resolution as a substitute for Mr. Penna's motion.

"Whereas it is recognized that there is a useless waste of our fuel resources in the development of the mining industry, and an unnecessary loss of life, and

"Whereas the useless waste of fuel and the reckless loss of life is due to the competition in the industry that prevents any form of an agreement in establishing the selling price of fuel,

"Resolved, That it is the sense of this joint conference that a committee of operators' and miners' representatives of an equal number from the States here represented, together with the international officers of the United Mine Workers should be created for the purpose of using their influence to amend or have repealed such sections of the Sherman antitrust law and the antitrust or conspiracy laws of the different States as prohibit mine owners from arranging a fair selling price of fuel, or that would prohibit miners and operators from arranging wage contracts."

Mr. McDONALD, of Illinois. I don't believe there is any reason why there should be division on matters referred to by Mr. Lewis and Mr. Penna. I feel, however, that these are matters that will require some little consideration on the part of both sides. So far as I am personally concerned, I am not sufficiently familiar with the Sherman antitrust law to go before a congressional committee at this time and present very logical reasons why it should be amended or repealed. So far as the principle in it is concerned I am opposed to the Sherman antitrust law because I believe it is opposed to proper economic principles.

I desire to make a suggestion. A committee has been appointed to sign the contract in the event it is ratified. That committee should be given power by this joint conference to go into the entire matter of legislation, not only the Sherman antitrust law, but the question of competition from the nonunion districts, with a view to bringing about some solution of this much complained-of evil. When that committee convenes I think they should be given power to start the machinery in motion with a view to securing by legislation and by other means that are honorable and fair improvement in the conditions of the coal industry and protection of the interests on both sides. In the meantime, if the vote can be taken and they are prepared to announce results by the 16th of April, or about that date, it will give us some two weeks to go into the matter and prepare ourselves for what we are going to do at that time.

I am not going to oppose the views expressed by Mr. Penna; but I think in the interim between this meeting and the time the vote is announced, if the committee is called to sign the agreement in the event of its adoption we will

be prepared to go into the matter fully. *We can be prepared, not only to go into the question of the Sherman antitrust law, but the question of competition from nonunion fields.* I believe this joint conference should give power to that committee to start the machinery along all these lines of bettering the coal industry, including legislative matters and all others that are of interest to the industry. I have no desire to antagonize the motion or oppose it; I simply want to point out a way to handle it at as early a day as we can prepare ourselves to do so.

Mr. LEWIS, of Ohio, I quite agree with Mr. McDonald on the proposition. It seems to me we ought to adopt something along the suggestions made as the sense of this conference, and refer it to the committee Mr. McDonald has mentioned.

Mr. MOORSHEAD. I think Mr. McDonald has struck the keynote. I think it is about time this conference selects a joint commission broad enough to handle all matters that have been discussed here. That is what the movement needs; not confine it to legislation or anything else, but all matters that affect the industry. I move that the whole matter be referred to the committee with power to act.

Mr. PENNA. That is, the committee that meets to sign up the scale?

Mr. MOORSHEAD. Yes.

Mr. PENNA. Then I desire to second it.

Mr. WALKER. I favor the motion, but on matters of national legislation the committee ought to have the authority, and it ought to be understood that it is the desire of this body that they secure the cooperation of representatives from both sides of every body of coal operators and miners in the United States.

(The motion offered by Mr. Moorshead was carried by viva voce vote.)

(The following is an excerpt taken from Judge Dayton's opinion, beginning at the bottom of page 38 and ending at the bottom of page 71, which, under agreement between the committee and counsel, is to be placed in the record of the investigation:)

All labor unions, organized for lawful purposes, and striving to achieve those purposes, by lawful means and procedure, are entitled to the protection of the law to the fullest extent, but on the other hand *any and all combinations, labor or otherwise, organized for unlawful purposes, or being lawful in purpose, which are prostituted to unlawful proceeding and to the accomplishment of unlawful ends*, should be required either to reform their unlawful purposes, cease from their unlawful procedure, or cease to exist. And no part of the body politic is or can be more vitally interested in the suppression of labor organizations unlawful in purpose or proceeding unlawfully than the members of such organizations lawful in purpose and procedure. In determining the character of this International Mine Workers' Union assailed in this case, as disclosed by the near 8,000 pages of evidence, for reasons that will more fully appear hereafter I purpose to reverse the order and consider first its relation to the general public and especially to the citizenship of West Virginia. It appears clearly established that in 1898 this organization had a membership of over 30,000, the bulk of which resided in western Pennsylvania, Ohio, Indiana, and Illinois; that in that year they sought and secured a joint conference with an organization of coal operators, the employers of its members, in these States; such conference was had, and as a result a distinct agreement was entered into. From the stenographic report (admitted to be correct) of the "Proceedings of joint conference of coal operators and coal miners of western Pennsylvania, Ohio, and Indiana" subsequently held in Cincinnati, March 8-29, 1910, filed in this cause as "McKinley's Exhibit No. 4," the purport of this Chicago agreement is fully disclosed. In reply to certain propositions presented by the defendant here, Mr. Lewis, then president of the union, Mr. Maurer, of Ohio, read on behalf of the operators a statement from which I quote:

"The answer of the operators to the proposition of the miners, in order to be thoroughly understood, makes it necessary to recall the history of wage agreements and trace with brevity the conditions under which we have from time to time met as operators and miners and effected such agreements, so as to show connectedly the factors which have controlled both parties up to the present time.

"In the years prior to any substantial agreement the conditions of the mining industry were very unsatisfactory in their influence upon both the operators

of mines and the miners in the various competitive districts. A remedy for this state of chaos was earnestly sought by both parties, and resulted in the early '80's in agreements between the operators and miners of Western Pennsylvania, Ohio, Indiana, and Illinois. In 1886 the institution of contracts between miners and operators was effected. These contracts operated with varying degrees of success and failure for some years and until about the year 1894, when these relations were dissolved. The conditions again took on an aspect of demoralization, which continued with varying degrees of intensity, numerous strikes, lockouts, and consequent loss in wages and profits and sometimes injuries to property until in the year 1898.

"During this period the conditions were such, both as to the price received for coal by operators and the price paid to the miners, that it became imperative for the interests of each to re-establish in some form the former agreements. At this time the basing price of the Hocking district was 56 cents per ton for screened lump coal. For a short time immediately preceding that year the mining rate was 51 cents. The working hours in the districts, parties to the early agreements, were from nine and a half to ten hours per day.

"The chief evil was the fact that districts which did not recognize the United Mine Workers and had no agreements with them produced coal much more cheaply than those districts which sustained contractual relations with that organization. Some of the more important factors influencing these conditions were different methods of producing coal, varying costs of mining, different hours of labor, different-sized screens, not mentioning various other elements.

"In order to correct these most harmful conditions a joint convention of operators and miners of western Pennsylvania, Ohio, Indiana, and Illinois, at the solicitation of the miners' officials, was called to meet at Chicago in January, 1898. At this convention an interstate joint agreement was established. After a long session of deliberation and negotiation, continuing over a period of about three weeks, the basing price for mining in Ohio and Pennsylvania was increased from 56 to 66 cents per ton, an advance of practically 18 per cent, and both the existing price and method of screening and weighing of coal was made uniform throughout the entire territory covered by the terms of the contract. As a result of the Chicago convention a representative meeting was subsequently held at Columbus, at which a uniform day-wage scale was established for inside labor. All of these concessions made by the operators were of substantial benefit to the miners.

"In addition to the advance in the price of mining and the other important concessions enumerated, the action of this convention had an effect of the most far-reaching and salutary character, not alone for the mine workers, but for the entire labor world, in the recognition of eight hours as constituting a day's labor, this being the first recognition of the eight-hour day by any large body of employers in the United States.

"The granting of the eight-hour day by the operators, after making these numerous other important concessions, was with the distinct understanding and explicit promise of the miners to give to the operators of the four contracting States adequate protection against the competition of the unorganized fields. From year to year they have been called upon to fulfill that promise.

"The operators, parties to that agreement, at the time of its execution felt that it was absolutely necessary to the safety of their investments that they be protected from the encroachments upon them by their competitors of the unorganized fields. The tonnage of the nonunion fields entering into the competitive market, particularly of West Virginia and Kentucky, at that time was not so large, as it was aggressive and threatening, the total tonnage entering directly into competition from those fields being approximately 600,000 tons. Since, however, coal from this unorganized territory coming into direct competition with Ohio and Pennsylvania has so increased that a fair estimate places this competitive tonnage at 8,000,000 tons, which does not include the tonnage from nonunion fields adjacent to the Pittsburgh district. The markets in western and northern Ohio, eastern Indiana, and Michigan from year to year have been encroached upon by coal from the unorganized districts until at the present time nearly 50 per cent of the coal consumed in these markets is supplied from fields operated with nonunion labor. To find a market for the union tonnage displaced in the territory named the mine owners of Ohio and Pennsylvania within the past five years have made heavy investments and built and equipped large coal docks to secure the markets at the upper lake ports. But these operators now find the nonunion coal rapidly commanding a heavy percentage of this market, when, at the time of the Chicago agreement the

nonunion fields had but a small fraction of this trade, and unless these conditions are corrected the markets so secured will soon be replaced by the tonnage from West Virginia and Kentucky.

"Though in the very heart of the consuming territory, on account of the wide difference between the price of labor in the organized fields of Ohio and Pennsylvania and the unorganized fields of West Virginia, Kentucky, and the fields adjacent to the Pittsburgh district, Ohio and western Pennsylvania are rapidly losing the markets at their very doors.

"It is evident to any candid observer that such unfair conditions should not be imposed upon the operators and miners of the unionized territory. That the interests of operators and miners are mutual in every respect does not admit of controversy. *Each is equally concerned in rescuing this business from its present peril.*

"Finally, we ask for the fulfillment of the pledge of 1898, upon which we made to the miners so many important and costly concessions. Though that promise has not been kept, we have continued for 12 years to make additional concessions by increasing the mining price from 66 cents agreed upon at that time to 90 cents, and in other respects conceding demands without any compensating concessions upon the part of the miners until we now find ourselves at the limit of financial safety. The operators can make no further concessions. It is now, in our view, not only to the interest of the miners, but their duty as well, to do their share to meet these conditions."

The Chicago agreement and its purposes as set forth by Maurer were subsequently admitted. In proof of this I quote from the remarks of Mr. Green, a defendant here, as follows:

"Our friend Mr. Maurer, in the well-prepared statement he has submitted to this convention, referred to an obligation he claims was assumed by the United Mine Workers of America in the meeting at Chicago in 1898. Mr. Chairman and gentlemen, we agreed that to a certain extent that was right; but I do not believe it was ever understood that one party to this contract was obligated exclusively to carry out that promise. I believe it was intended to be a mutual understanding, and that both sides would cooperate in trying to organize West Virginia and other nonunion districts in order to extend this businesslike basis of adjusting our differences to those fields.

"Let me point to the fact that the United Mine Workers of America have diligently and aggressively attempted to carry out the promise made in Chicago in 1898; that they have done everything in their power to redeem any promise they may have made to organize West Virginia. Since 1898 our organization has at various times spent hundreds of thousands of dollars trying to unionize West Virginia. We have also sacrificed human life in the attempt to redeem that promise. In view of the fact that we have spent hundreds of thousands of dollars and that our organizers, our members who have gone there as missionaries in an attempt to redeem that promise have sacrificed their lives and their liberties, we should be given credit for what we have done. I want to ask the operators how much money they have spent and what they have done to aid us to organize West Virginia.

"Is the fact that we have spent hundreds of thousands of dollars appropriated from the small earnings of our people in the central competitive field, and the fact that we have sacrificed the liberty of some of our members *any evidence that we have tried to redeem that promise?* Does not that show that we have honestly, sincerely, and deliberately attempted to redeem it? I believe, gentlemen, that if the operators had done one-half as much as the miners have done, if they had even cooperated with us in what we have done, West Virginia would be organized, and the operators and miners of that State would be here to-day participating in this joint movement."

The "plea in the nature of confession and avoidance" contained in the last paragraph of Mr. Green's argument had been advanced by Mr. Lewis and was urged by him in these words:

"We want to say, and we say it kindly but positively, to the gentlemen on the other side of the house, 'Get together and organize, not only in Ohio and West Virginia—and I know a lot of you have influence enough over there, if you do as much work as we do, to organize them.'"

But at the same time it is manifest that he recognized the danger of the public declaration of such purpose for prior in the discussion, he had said:

"If I have a proper conception of this movement it means the uplifting of the industry. If I have a proper conception of this movement it does not mean that either operators or miners can publicly say, 'We will organize West Vir-

gula in order that the miners of Ohio or Indiana can get more work.' That has done more to prevent the organization of West Virginia than anything I know of. Coupled with that is the attitude of Ohio and western Pennsylvania, probably of Indiana, and I know of some Illinois operators who have gone to West Virginia and have built human fences around their properties. I mean by that they surround their properties with pickets—men who, even when the organizers of the United Mine Workers want to walk along a country or township road passing through the properties is met at the property line and compelled to state what his business is before he can walk on the public highway. Men will say that that is not possible in a free country, but I say it is possible. It is possible in some mining districts in this country, and I believe that they are in the United States, because they are in West Virginia, Kentucky, Tennessee, Alabama, and a few places in Pennsylvania."

I further quote from the remarks of Mr. Feehan, of Pennsylvania, another member and representative of the union, as follows:

"We are unwilling that the nonunion operators and miners of West Virginia or of any other coal field shall set the standard of prices and the standard of living for the intelligent operators and miners engaged in the mining industry in the States that are represented here. I believe that is the honest opinion of all of the operators who are present. It is unnecessary for me to refer to the fact that many of the operators who are represented here in this joint conference have interests in West Virginia and in other nonunion coal fields whose products are going into the markets they are complaining of. It is true that they have contributed, with the other operators who are engaged in the industry in those States and districts, to keep the organization from obtaining a hold or becoming a factor in the industry in those fields of which they complain. If they will withdraw their objections to the establishment of the organization in those fields, I am sure they would not be confronted with those conditions, and that we would be able to remove the evil in a very brief time. The practices resorted to by the nonunion operators of West Virginia are un-American."

Also from Mr. Maurer's reply:

"We have a condition confronting this convention as grave as confronted the convention that met in Chicago in 1898. We have this great tonnage from the unorganized fields of West Virginia and Kentucky that is absolutely taking away from us our markets and taking away the employment which belongs to you. It is a condition that not one of us must meet, but that both of us must meet, not only for our protection, but for your protection as well. The cost of living is only incident to it, and the mine-run basis is only incident to it. Every man who swings the pick will agree with me that we can pay you no more for mining coal than we can get for the product of your labor. And I am going to put up to you, I am willing to concede to this convention, that West Virginia is not organized; that for 10 or 12 long years the miners have done everything in their power to organize that field; and that they did it diligently and earnestly is admitted; nevertheless, that field to-day is unorganized. Nobody is to blame. Neither the operator nor the miner is to blame for that condition; but it is a condition that we must meet, and each one bear his share of the burden. Eight million tons of the coal from that unorganized State is to-day taking away from you the product of your labor, and taking away from the operator every cent of profit he ever had in the business. You can not correct that. You may say to us, 'You must get together and agree upon prices; you must get the West Virginia operators in and agree upon a price.' Why, every man who stands here knows that if the operators in the State of Ohio attempt it they do so in violation of the Valentine law and that the penitentiary stares them in the face. Every miner here knows, if in the States of Ohio and West Virginia the operators were to attempt anything of the kind, they would violate, not only the Valentine law of Ohio, but they would violate the Sherman antitrust law. It is easy to tell us what to do, but you should also tell us how to do it. Does any miner here believe that the operators of the State of Ohio have not tried to get the best price they can for their commodity? We have some interest in our business, we have our money invested in it, and I assure you that for two years the miners and the railroads have got every cent there was in it, and more too.

"However, we stayed in the market; we gave you employment. Now, it is up to the miners of this State to meet those conditions and bear their share of that burden. I want to tell you here that if the miners of the State of Ohio insist on an increased price of their coal they will lose every bit of business they have on the Great Lakes. You have already lost your commercial business. Who supplies Michigan to-day with commercial coal? Who supplies

Detroit? Who supplies Toledo? Who supplies Marion? Who supplies Columbus, right in the heart of the Hocking district? Who supplies eastern Indiana? Who supplies all of west Ohio? Tell me, tell me, you miners from the Hocking Valley, who have seen your mines lay idle while West Virginia coal in train-load lots has gone past your mines. Tell me, you miners of eastern Ohio, who have stood idly by and watched Fairmont coal in train-load lots taking your markets. Ninety per cent of that market is supplied by West Virginia coal from the nonunion fields. I say to you the cost of living does not enter into this. I say to you these other elements did not enter into this. I say to you that the best price we can get for our coal under the competitive conditions will not admit of it.

"You miners who mine coal in the State of Ohio and, if you please, in western Pennsylvania, know that every bit of the trade I refer to was formerly supplied by Ohio and Pennsylvania, even down to the gas business, but it is now supplied by West Virginia."

And from Mr. Lewis' rejoinder:

"Now, the argument is made that we ought to turn our attention to West Virginia and stop the competition from that State. I admit that argument is good; but in order for that argument to have strength it is necessary for the operators at home to stop the kind of guerilla warfare they have among themselves.

"Mr. Maurer has very well said—and I am glad he has brought the subject up—that we say to the operators 'Get a better price for your coal in order that you can pay us a better price for our labor.' Then he supplements that statement, and very properly, by the statement that if they were to organize to get a better price for their coal they would be haled into court under the provisions of the Valentine law of Ohio, and possibly sent to the penitentiary. Probably we would too. He supplements that statement by asking us to tell them how to get a better price for their coal. I am going to tell you. First, stop making war on the railroads. The poor fellows need help! And this proposition is going to be no joke. I recognize what the mining industry is; I recognize that it is more important than transportation. I recognize that the Valentine law of the State of Ohio was put on the statute books by a lot of political demagogues, who believe they were working in the interests of the dear people—and they did it once for the dear people and about 20 times for themselves. I recognize that this industry does not occupy the plane among the industries of the country that it ought to occupy, because we have met in joint conventions year after year and discussed our wage relations instead of devoting some of our time to going out and telling certain people to keep their hands off our business. The railroad companies of this country say to the mine owners, 'We want our fuel at a certain rate.' The mine owners, in order to get a part of the fuel trade of the railroads, put down the prices in some instances to cost, not because of competition, but because of your desire to get a part of that trade. Then, after securing a part of that trade the official representatives of the railroads are in so close touch with the leaders of the manufacturing industries of our country that the steam trade, as we call it, buys fuel almost at as cheap a price as the railroad company. Then, in order to make ends meet somebody must pay a better price, and it is usually the domestic consumers, the masses of the people. And that is where the political demagogues get their work in, because they are the people who have votes and that is why they have anti-conspiracy laws placed on the statute books."

Mr. Chapman, of Ohio, an operator, contributed to the discussion some figures, as follows:

"It is an admitted fact that there is a difference to-day of between 40 and 50 cents per ton in the cost of production of coal in the union fields of Ohio and the nonunion fields of trade east and south of us in West Virginia, Kentucky, Tennessee, and Alabama, and three of those States, gentlemen, are competitors in the markets of Ohio coal—West Virginia, Kentucky, and Tennessee.

"The production of West Virginia for 1907 was 40,043,311 gross tons, 44,091,000 being net tons. In 1908 the production was 44,091,000 net tons. In 1909 the production was 44,495,000 net tons.

"Ohio's production for 1907 was 32,365,949 net tons; in 1908, 26,287,800 net tons; and in 1909, 27,756,172 net tons.

"There are some more interesting statistics connected with this proposition. The following are the numbers of days the miners worked in West Virginia during the years from 1904 to 1909: 1904, 209; 1905, 213; 1906, 237; 1907, 234; 1908, 211; 1909, 192; making an average of 216 days of 10 hours per day, or

a total of 2,160 hours' work each year. Reduced to eight hours per day, would be an average of 270 days each year. Ohio worked in 1904, 164 days; 1905, 171; 1906, 175; 1907, 204; 1908, 157; 1909, 165 days; an average for the six years of 173 days, or 97 days less than the average work in West Virginia on the eight-hour basis."

And then said:

"Now, gentlemen, it is useless, after the discussions that have taken place here by the gentlemen who preceded me, to discuss at any great length the market that the non-union fields have taken from Ohio in the past. It has been well said that they are putting coal into Columbus, into Michigan, into Detroit, taking the markets that heretofore have been enjoyed by the Ohio coal. In the city of Athens, Ohio, which is within three miles of several of the large producing Hocking Valley mines, West Virginia coal is being sold. The gentlemen who are familiar with the situation have informed me that over 2,000 tons of West Virginia coal was sold there between the 1st of September and a short time ago. Even in the town of Logan, one of the points where Hocking Valley gathers its trains to start its coal out to the markets they have, West Virginia is taking that market. The gentlemen who were in the Toledo convention and returned on the Hocking Valley train if they had their eyes open, would have seen full solid trains of Norfolk & Western coal passing up over that road to Toledo. There was not a single car of Hocking Valley coal in the trains. At the town of Bowling Green, 20 miles south of Toledo, when I came through a few weeks ago, I saw every car of coal standing on the sidetracks were loaded with West Virginia coal.

"Think of the proposition, gentlemen. Toledo, the central point at which several Ohio coal roads bring everything, and 60 per cent or more of the coal being consumed there is from West Virginia! The Pennsylvania people have a road coming in there, the Wheeling & Lake Erie have a road coming in there, the Toledo & Ohio Central goes in there, the Hocking Valley goes in there, and the D. T. & I. goes in there on a direct line. Now, just consider that proposition for a minute, and is it any wonder that Ohio coal operators and interests are in the condition they are to-day with that state of affairs?

"It is well said by Mr. Lewis and Mr. Penna that people buy their fuel where they can buy it cheapest. I am not through with this proposition. I want to bring you to the city we are now holding this convention in and give you a few figures. In 1897 Pittsburgh shipped by river 1,401,000 tons of coal to the city of Cincinnati. The Kanawha region shipped by river 717,000 tons of coal. The Kanawha fields shipped by rail 704,000 tons. The other interests from West Virginia, Kentucky, and Tennessee shipped here 275,400 tons. Now, we will come to the year 1908. Pittsburgh district shipped 535,000 tons to the city of Cincinnati in 1908, as against 10,041,000 (manifestly a mistake; should be 1,401,000) in 1897. Kanawha shipped by river 867,000 tons in 1908, as against 717,000 tons in 1897; and Kanawha shipped by rail in 1908 1,848,000 tons, as against 462,000 in 1897. The Pocahontas district, the Tennessee and Alabama fields shipped in 1908 by rail 1,512,000 tons to the city of Cincinnati, as against 275,400 tons in 1907."

The reasons why West Virginia coals are able to supplant those of Ohio, western Pennsylvania, Indiana, and Illinois, operations in which both sides of this conference were so vitally interested, are contributed by both operator and mine representative.

By Mr. Chapman, operator:

"It is not surprising that West Virginia is on a mine-run basis. Why? Because a large per cent of all the fine coal that is produced in that State is made into coke. They even crush lump coal after they produce it to make coke, which is much more valuable product to them and yields them more returns than the raw coal will. We haven't any of those coals in Ohio or Indiana, and they have none of them in western Pennsylvania outside of the coking coal, as it is known there."

By Mr. Feehan, mine representative:

"There is one point I want to bring out that has not been made clear, and that is the disadvantage the operators of eastern Ohio are put to in competing for the markets against the operators who have interests in West Virginia, and that is the character of the veins. In West Virginia it is not an uncommon thing to have them develop from 6 to 10 feet of clean coal. There is no slate to remove; it is easily mined; it is a good grade of coal; it can find a market; and when you take into consideration the cost of producing a ton of that coal compared with the little 5-foot vein of coal in eastern Ohio, with its many im-

purities and its thick slate, and the Pittsburgh district, with its weak roof, where in many cases it is difficult to operate a machine, as well as many other natural disadvantages the operators have, herein lies the cause of the competition more than in the cost of labor. The cost of labor is not the important factor that is crowding the eastern Ohio operators out of the market on the Lakes or elsewhere. It is the natural disadvantages that is doing it. There is one advantage the operators in eastern Ohio have, and that is their geographical situation. They are nearer the lake markets and other markets, and I believe they have an advantage of from 15 to 25 cents a ton in freight rates. I understand that when the decision of the Interstate Commerce Commission goes into effect they will have even greater advantages in freight rates. It is fortunate for them they have these advantages. Were it not for their advantages in the matter of freight rates I am positive that many of the veins of coal now being worked in Ohio and elsewhere would be abandoned, and they would wait until the big veins, with the greater natural advantages, in West Virginia were worked out before they would again operate there. These factors have not been seriously enough considered heretofore."

Mr. Chapman says:

"In 1907 and 1908 the miners earned more money in West Virginia at the prices they were paid there than were earned by Ohio. In fact, they earned from \$100 to \$150 more to the man. That tells the tale concerning that matter.

"The coals of West Virginia are said to be mined at about one-half the cost of producing Ohio coals, and the West Virginia product has taken the Ohio markets to the full extent permitted by the difference in transportation expenses, leaving Ohio coals only such markets as may be near the mines; and as the means of transportation increases, by which West Virginia coals are put farther into Ohio markets, the prospect of the Ohio mines is not bright."

I quote further from the remarks of Mr. Savage, one of the defendants here, as follows:

"Mr. SAVAGE: Ohio, I was surprised a minute ago to hear that some of the operators were not in sympathy with the men in trying to get a readjustment of their freight rates in Ohio. I know, as one miner, we did all we possibly could in giving testimony before the commission in Columbus, and from what I heard then I believed, and I believe now, that the operators were absolutely right in asking for this readjustment. I believe I can assure you that we will help you in every manner that we can to get that readjustment. But we would ask you, on the other hand, if we are willing to help you—and by helping you we agree we are helping ourselves—if you operators from Ohio and Pennsylvania will lend us the same assistance in West Virginia in getting the mining price up so that competition will not prevail. When we ask that, what do we find? Operators have told me in years past that they were willing to have the miners organized in Ohio, but they were not willing that their miners should be organized in West Virginia. We find as great opposition on the part of the operators from this State who have mines in West Virginia as we find from the operators resident there. If we are going to work along the line of mutual benefit, let us make West Virginia a union State. Go down there and practice what you preach in Ohio. Help us get the protection of the law in that State and I think we can organize the miners. Instead of helping us, what have you done? You have done nothing but retard the progress of our organization in that State. The reason they have assigned to me for their attitude was that the caliber of the men employed in the mines of West Virginia was such that if they were organized it would be impossible to control them. I believe that a large percentage of those men are as intelligent as we are, and once they understand the benefits of the organization and the benefits of the contract we enter into they will observe those contracts as religiously as the miners of Ohio, Pennsylvania, Indiana, or any other State."

And, finally, from Mr. Zerbe, of Ohio, an operator:

"A very considerable amount of censure and criticism has been put upon some operators who are here because of the fact that they have gone to West Virginia and found investments. I will remind the other side of the house that the men who have gone into Virginia are business men; they are engaged in the coal industry, and they bring the commodity from one State or another to furnish fuel for such contracts as they take. They have found by experience that you as an organized body are not treating them fairly where they are circumscribed in the production of this commodity. They find that you are putting upon them burdens in the organized fields that do not exist in the unorganized fields. By reason of the fact that you can not control in the production

of this commodity, although we are willing to admit you have made an effort, their market is being taken from them or restricted or narrowed, and many of them in self-defense find it necessary, in order to carry out contracts and fulfill their obligations to those who take this commodity from them, to go to West Virginia and invest in properties there that they may continue a business for which they are obligated."

It is impossible to deny the conclusions to be drawn from all this. By reason of the natural advantages in the way of superior veins, roofs, and quality, West Virginia coals can be mined for something like 50 per cent less than those of Ohio, Western Pennsylvania, Indiana, and Illinois, and then even her miners can make better wages; and the officers and members of this union are almost wholly resident of Ohio, western Pennsylvania, Indiana, and Illinois. In 1898 as an organization they entered into a direct contract with the operators of that field for and in consideration of an eight-hour labor day and other concessions to organize the West Virginia miners, and, by reason of the control they would have under the union's laws over such miners when so organized, "protect" these operators in Ohio, western Pennsylvania, Indiana, and Illinois from the existing open competition even then threatening the markets of such operators, especially in the West and the Lake regions. For the purpose of carrying out the agreement, this labor organization has, in the language of the defendant, Green, one of its officers, "at various times spent hundreds of thousands of dollars trying to unionize West Virginia" and "sacrificed human life in the attempt to redeem that promise." Was this in the interest of and for the bettering of mine laborers in West Virginia? It is impossible to see how it could be, for in this conference between the operators and union representatives in March, 1910, as we have shown, direct statistics were given by Mr. Chapman and not controverted, showing that the West Virginia mines unorganized were getting more work and more wages than miners in this unionized field of Ohio, western Pennsylvania, Indiana, and Illinois. In illustration of this it seems to me that I may properly refer to conditions as they exist to-day, as disclosed by a public report made to the governor of the State of West Virginia by a commission appointed by him to investigate and report upon such conditions. The members of this commission were Bishop P. J. Donahue, of the Catholic diocese of this State; Capt. S. L. Walker, of the State militia; and F. O. Blue, State tax commissioner, men of the highest character and integrity. From this report and current history, it appears that the effort to unionize West Virginia still continues and has more recently been directed to the Paint Creek and Cabin Creek fields in Kanawha County; that such efforts have led to such condition of riot, bloodshed, and general lawlessness as to require the governor of the State to twice put the district under martial law to save life and property. I quote from the report as to the condition of the miners:

"To this inquiry we have devoted special attention within the limits of the time and opportunity at our disposal, and after careful personal investigation, supplemented by a great body of formal sworn testimony sifted and tested by severe and exhaustive cross-examination, this commission has arrived at the unanimous conclusion that the general surroundings of the miners on Paint Creek and Cabin Creek, respectively, are very good, when compared with those of the miners of the few unionized plants on the right bank of the Kanawha and with those of the miners throughout the State and Nation. We have gone into their houses and carefully examined them. They are above the average of miner's homes in most places."

And as to wages:

"A careful consideration of the evidence adduced leads us to the following conclusions:

"(1) The average annual wage of miners in West Virginia for the years 1905-1911, inclusive, is \$554.26.

"(2) The average annual wage of miners on Paint Creek and Cabin Creek is from \$600 to \$700.

"(3) The average wage on Paint Creek and Cabin Creek (nonunion) is fully equal to if not greater than that of the miners in the very limited number of unionized plants in the State on the opposite bank of the Kanawha River.

"These figures may appear small and inadequate, but, slender as they are, they exceed the average wage obtained in Illinois, a unionized State, which is but \$510.86 a year. We have been unable to secure any official figures as to the average annual wage in the unionized States of Indiana, Western Pennsylvania, and Ohio, but we are informed by experts and we believe that the

average wage in the two States first mentioned probably falls a little below that prevailing in Illinois, while the annual wage in Ohio, owing to local mining conditions, falls a little below those of Western Pennsylvania. This classification, in the order of the rewards of labor, puts West Virginia at the head of the list. If we inquire into these figures more closely we find they are very substantially affected by several causes, among which comes first the unwillingness of a large number of the miners to work more than four days a week at the most. A minute examination of the pay rolls discloses the fact that 16 or 17 days in the month constitute a high average, and that many engaged in the mines decline to labor more than 12 or 14 days. This is particularly true of some of the native-born miners and many colored men and results in the necessity of keeping 20 or 30 per cent more miners in a given operation than would be required if steady application to work were the rule. At several of the mines in the districts under investigation were found men wholly illiterate and without any special knowledge or skill other than that acquired by their daily experience, earning four to five and in some cases even \$6 a day of eight or nine hours; men with savings bank accounts of one or two thousand dollars and others who had purchased out of their savings small farms or other properties adjacent to the mines."

And as to the causes of the trouble:

"This arises, in our judgment, from the efforts of the United Mine Workers to organize the union in the whole chain of plants along said creeks. Their desire is to make the present strike region the place for the insertion of the thin edge of the wedge of unionism, with the ultimate aim of organizing the whole State. The frank declaration on oath of Mr. Thomas Cairns, local president of district No. 17, would appear to put this intention beyond the region of doubt. The United Mine Workers' Association contends that this is essential to the well-being of the 76,000 or more miners of West Virginia; that by this means and this alone can their lot be improved, their rights safeguarded, and the standard of living so raised as to bring it up to a level befitting a citizen, however lowly, of this Republic. All classes of people, recognizing the force of the adage 'In union there is strength,' do so organize. Even the operators themselves form associations. 'Why,' say the toilers, 'should we also not unite in lawful combinations?' The operators can not and do not resist this right as a general proposition, but their claim is that the peculiar industrial conditions in West Virginia would render it ruinous and therefore impossible for them to recognize the union. The geographical position of this State is such, together with the small consumption within her own borders, that of her total coal output of over 60,000,000 tons she markets barely 10 per cent within her own borders and 90 per cent or more must be hauled to the market through the competing territories of Pennsylvania, Ohio, Indiana, and Illinois, known as the four competitive States; that the operators of said States have always on the floors of joint miners' and mine owners' conventions shown fierce and undisguised hostility to this State, endeavoring in every way to crowd her out of the market and going the length of stating by the mouth of one of Pennsylvania's leading operators that the opening of mines here at all was 'an economic blunder.' Resort has even been had to the Interstate Commerce Commission, resulting in reduction of rates, to the material advantage of the competitors of West Virginia operators in freight differentials. It has been claimed, too, and with some appearance of probability, that the operators of the said four competitive States are hand and glove with the United Mine Workers in their attempts to unionize West Virginia, so that the representatives of the coal interests of this State must go with their relatively small representation into conventions to regulate conditions and prices and would come home having rates imposed upon them which, taking into consideration the heavy differentials in railroad hauls, would practically put them out of business and close every mine in the State. They decline, they say, to be wiped out in such fashion; they claim the right to settle their own affairs within the borders of their own State. Even if they come to terms with the district authorities of the United Mine Workers here in West Virginia, those terms may not be approved at the headquarters at Indianapolis, and all the labored attempts at amicable adjustment may fall through. Further, they claim that the few unionized mines in West Virginia do not and can not obtain anything like an adequate return on the capital invested. And so, to probe this deplorable situation down to the bedrock of facts, the geographical position of West Virginia is largely responsible for all this industrial strife. Our retarded manufactur-

ing development is also a contributing cause. The consumption of coal within our borders, as elsewhere noted herein, particularly by manufactories, is almost negligible. No State in the Nation has more inviting natural resources nor offers greater inducements to manufacturing enterprise than West Virginia—great areas of superior coal for steam and coke, splendid timber of many species, almost inexhaustible supply of natural gas, and unlimited water power awaiting to be utilized in the arts of industry. It is impossible not to recognize the merit of and to sympathize with many of the contentions on both sides of this unhappy quarrel. Most assuredly each party believes unreservedly in the justice of its claim. It is in the attempted enforcements of them that each has passed the limits of justice, to say nothing of Christian charity and broad humanity. Two facts loom big over the smaller one developed in this bulk of testimony—the desperate efforts and often unwarranted and unlawful acts of the United Miners to force the union into the disturbed districts and the equally desperate, unwarranted, and unlawful acts of the operators and their agents to keep the union out. Thus, for months before the actual break, union agitators, many of them strangers, attempted to invade Paint Creek and Cabin Creek to persuade the miners to join the union. They called meetings of the workers and described to them the hardships and injustice of their lot and the oppression under which they suffered. The wildest theories concerning the rights of property and the means of production were propounded and advocated, and doctrines closely verging upon anarchy were upheld with such effect that men who before were living peaceably and in comparative prosperity purchased Winchesters, revolvers, blackjacks, and other murderous weapons to shoot down the coal 'barons' and their myrmidons. Mild-eyed men, 75 per cent of them with usually cool Anglo-Saxon blood in their veins and with instincts leading to law and order inherited down through the centuries, gradually saw red, and with minds bent on havoc and slaughter marched from union districts across the river like Hugheston, Cammerton, and Boomer, patrolled the woods overhanging the creek bed and the mining plants, finally massing on the ridges at the headwaters and arranging a march to sweep down Cabin Creek and destroy everything before them to the junction. Meanwhile the operators hurried in over a hundred guards heavily armed, purchased several deadly machine guns and many thousands of rounds of ammunition. Several murders were perpetrated, and all who could got away; men, women, and children fled in terror, and many hid in cellars and caves. If ever there was a case for some strong measure like martial law, the conditions prevailing on Monday, September 2, 1912, the eve of the proclamation, presented it. In fact, in the opinion of expert witnesses on the scene, martial law, and martial law alone, was the only measure to meet the desperate situation. We believe, partly on the evidence adduced, and in part from the personal knowledge of two members of the commission who were on the ground, one in active military service, that but for such proclamation taking effect on Tuesday, September 3, at daylight, there would have been great destruction of property and loss of life in the strike zone. The enormous quantities of Winchesters, revolvers, and other weapons up to machine guns captured from both sides and brought to camp at Paint Creek Junction also bore mute but eloquent witness of the height to which the passions of the opposing forces had mounted.

Now these propositions, trite and fundamental as they are, will assist us to apportion the blame for the strike and the subsequent disorders on Paint Creek and Cabin Creek and the close neighborhood:

First. Every man has a right to quit his employment and seek other work for any grievance he has or injustice which he may conceive to have been done him; but

Second. He has absolutely no right to obstruct, molest, threaten, or otherwise prevent another man from taking the position he has of his own accord abandoned. Organized society and natural law can never yield one jot or tittle on that head. To do so would be to acquiesce in the régime of brute force—a veritable reign of terror.

Third. Labor has the right to organize for its benefit, protection, increase of wages, and better living conditions, and to have recognition of such organization; but

Fourth. Its organization has no right to coerce by threats or violence anyone to become affiliated with it when he does not desire to do so, nor to assault or put in bodily fear one who desires to labor without belonging to it, nor to destroy property of the employer who does not desire to contract with it, nor to violate its contract with its employer without cause.

There is abundant evidence before us that a reign of terror was attempted to be organized in the strike district and outside of it. It is true that the officers of the United Mine Workers professed to counsel moderation and a strict observance of law and order on various occasions, but there is testimony tending strongly to show that harangues delivered in public, and of which stenographic reports have been submitted as exhibits, incited the miners to violence and in some cases to murder. These harangues were in some instances delivered in the presence of officers of the United Mine Workers Association, and from platforms upon which they stood and from which they, too, spoke; but the murderous and anarchistic utterances referred to were never disclaimed or disapproved by them either at the time or subsequent to their delivery. Furthermore, there is some evidence tending to show that officers stood by without interfering or protesting while nonunion men were brutally beaten. Again, the warning to other miners from outside not to come into the strike region, published for many weeks in their local organ and also filed as an exhibit and amounting in effect to a grave threat, throws a strong light on the actual situation. We fear that the net result of the action and utterances of those acting and speaking under the apparent sanction and approval of the officers of the United Mine Workers was to foment bitter feeling and to incite to serious breaches of the peace. In all this, even granting that they were not acting against any express law set down in the statute books, yet they were acting against the fundamental principles of right and justice.

The commissioners also examined the mining conditions existing in the Fairmont and Norfolk & Western regions of the State. I can not extend this opinion by quoting further from it, but am justified in saying that they found and report such conditions to be, in effect, very superior to those obtaining elsewhere in unionized fields; conditions under which men have remained in continuous employment for 15 or 20 years; have saved money and purchased homes and farms; have furnished to them houses comfortable, with electric lights, some with shower baths, good sanitation and water supply, and with wages such as to enable the foreign-born miners in the 44 operations of the Consolidated Coal Co. (Fairmont field) to send from \$125,000 to \$150,000 annually to their dependent relatives in Europe.

All the evidence in this voluminous record goes to show pretty conclusively that the 14 years' struggle of this labor organization since it entered into the compact with the operators of Ohio, Western Pennsylvania, Indiana, and Illinois in 1898 to unionize the operations of West Virginia has not been in the interest either of the betterment of mine labor in the State or of upholding that free commerce in coal between the States guaranteed by Federal law, but to restrain and even destroy it in West Virginia for the benefit of these unionized competitive States. It may be unfortunate for those States that nature has favored West Virginia, Kentucky, and other Southern States by giving them better coal and less expensive mining conditions, but this does not warrant the operators and miners there to combine and confederate for the purpose of depriving the consuming public of the right to purchase the better coal at the lower cost if desired. Such a combination is clearly a common-law conspiracy, too far reaching to be reasonable, in restraint of trade, as well, in my judgment, a direct violation of the Sherman antitrust law. It is further, in my judgment, a combination or conspiracy against the rights of the many thousands of nonunion miners in West Virginia, who are entitled to enjoy the advantages in their labor that nature has given them.

But the question at once arises, How could this union carry out this contract with the operators of Ohio, Western Pennsylvania, Indiana, and Illinois to substantially restrain or suppress coal mining in West Virginia, Kentucky, and other States by unionizing them? This brings us squarely to an examination of its constitution, manual, obligations, by-laws, and rules, by which, according to the English decisions, the legality or illegality of such combinations is to be determined. Turning to these, which are in evidence and not denied, we find that when a miner is initiated into this organization he is required to take an obligation for life, as follows:

"I do sincerely promise, of my own free will, to abide by the laws of this union; to bear true allegiance to and keep inviolate the principles of the United Mine Workers of America; never to discriminate against a fellow worker on account of creed, color, or nationality; to defend freedom of thought, whether expressed by tongue or pen; to defend on all occasions and to the extent of my ability the members of our organization.

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"That I will not reveal to any employer or boss the name of any one of the members of our union; that I will assist all members of our organization to obtain the highest wages possible for their work; that I will not accept a brother's job who is idle for advancing the interests of the union or seeking better remuneration for his labor; and, as the mine workers of the entire country are competitors in the labor world, I promise to cease work at any time I am called upon by the organization to do so; and I further promise to help and assist all brothers in adversity and to have all mine workers join our union that we may all be able to enjoy the fruits of our labor; that I will never knowingly wrong a brother or see him wronged if I can prevent it.

"To all this I pledge my honor to observe and keep as long as life remains or until I am absolved by the United Mine Workers of America."

This obligation is required under assurance beforehand that it will require "nothing contrary to your civil or religious duties"; yet it does in fact require him to alienate for life or until the union absolves him "his freedom to dispose of his own labor or his own capital according to his own will, * * * make himself a slave" contrary to all law, English, American, and common, and in express violation of the bill of rights set forth in the constitution of West Virginia. It binds him never to accept employment in place of a fellow member "idle for advancing the interests of the union or seeking better remuneration for his labor," no matter how anxious he may be to secure work, how well satisfied he might be with the wage offered, and how much he may need the work by reason of a starving family on his hands to support. It further binds him "to cease work at any time I am called upon by the organization to do so," regardless of the dire consequence that may result to him and those dependent upon him. It may well be said that such provisions under the law can not be enforced. No; not legally, but practically it is different. His refusal to comply with this obligation subjects or may subject him to such social ostracism on the part of his fellow members as to compel obedience. They may taunt him with being without honor or integrity; they may call him "black sheep," "scab," and other opprobrious epithets given new meanings in the English language because of just such conditions arising under the operations of these labor combinations, and they may and do drive him out of work and the community, as shown by the facts set forth in many decisions of the courts of this country. But this is immaterial from a legal standpoint, for, as I have shown, the law distinctly bans such obligations as unlawful, and, therefore, the requiring them on the part of these labor organizations is unlawful. But to further show how complete control the union thus obtains and how complete the surrender to such control on the part of the member is, I quote further from the constitution of its national organization, as follows:

"ARTICLE I.

"SECTION 3. This organization shall be composed of international, district, subdistrict, and local unions.

"SEC. 4. The international union shall have jurisdiction over all districts, subdistricts, and local unions, which shall be governed by this constitution.

"ARTICLE II.

"SECTION 1. The officers of the union shall be one president, one vice president, one secretary-treasurer, and an executive board to be composed of one member from each district under the jurisdiction of the United Mine Workers, each district to elect its members of the international executive board, the president, vice president, and secretary-treasurer to be members of the board by reason of their position.

"ARTICLE IV.

"SEC. 11. The funds of the organization shall be used for the purpose of assisting those who are in need from idleness or distress, when the payment of the same has been approved by the international executive board.

"ARTICLE VII.—Cards.

"SECTION 1. Local unions shall provide each member with a Due Card, upon which the dues and assessments paid by the member shall be entered, which shall be his receipt for the same.

"Sec. 2. Due Cards shall not admit any person to membership from one local to another, and to protect the membership of individuals who are unable to pay their dues because of no local existing where they reside, the International District and Subdistrict Secretaries shall, upon the payment of dues and assessments by said member, issue the usual cards for the same; provided that this shall not apply to a member living in a locality where a local Union is in existence.

"Sec. 3. No person a member of the organization, who holds a Due or Transfer Card showing him to be a member in good standing, shall be debarred or hindered from obtaining work on account of race, creed, or nationality. Cards properly filled out and signed by the officers of miners' unions in foreign countries shall be accepted in lieu of initiation fees.

"Sec. 4. Any member desiring to leave the mine where his Local is located and work elsewhere shall immediately make application to the secretary of the Local for a Transfer Card, and if he has paid all dues and assessments, the President and Recording Secretary shall issue a Transfer Card to him, which shall be attested by the Financial Secretary, providing the Local Union is in good standing with the International, District, and Subdistrict Unions, which shall be accepted in any District, and in case such person can not produce a Transfer Card he shall pay the regular initiation fee. All Transfer Cards shall be deposited as the laws of the District where work is secured may direct.

"Sec. 5. When a person who has not been a member of the Organization three months or more secures a Transfer Card from a Local Union in a District where a dispensation has been granted, said Transfer Card shall not be accepted by any Local in a different District from the one in which the Local issuing the same is located, unless said Transfer Card is accompanied by an amount equal to the difference between the initiation fee paid by said member and the initiation fee provided for in the District where the card is deposited.

"Sec. 6. No card shall be issued to any member when the Local is three or more months in arrears to the International, District, or Subdistrict for dues or assessments. Officers of any Local Union issuing cards in violation of any section of Article VII shall be fined \$10 for each card issued, the fine to be collected in the same manner as dues and assessments.

"Sec. 7. The Transfer Card must show that the member receiving it has paid all dues and assessments for the month in which it was issued, and must also show at what class of labor he was employed.

"Sec. 8. When a Transfer Card is issued to any member it must be deposited by him with some Local Union or with the International Secretary-Treasurer within three months after the last day of the month in which it was issued to him, else the card will become void and he can only become a member again by initiation as a new member.

"Sec. 9. When a member presents a Transfer Card to a Local Union at any mine where he works or desires to work, the Local Union must accept the same and admit him to membership in that local, unless the local issuing the same is not in good standing, as shown by the monthly report of the Secretary-Treasurer, or the person to whom the card is issued has not been a member of the organization for three months, as provided for in Section 5 of this Article, and shall collect from him all dues and assessments from the time between the last day of the month in which the card was issued and the date of depositing the same.

"Sec. 10. The Subdistrict, District, or International Secretary-Treasurer shall not accept a Transfer Card if the member is where he can deposit with a Local Union.

"Sec. 11. The International Secretary-Treasurer shall prepare and send out monthly a statement of all Locals three months or more in arrears for dues and assessments, and no Local Union shall refuse to accept a Transfer Card from any Local unless it appears on said list as being in bad standing. Local Unions on strike shall be exempt from the provisions of this section.

"Sec. 12. All Transfer Cards shall be made in book form, with two stubs attached, the books to be numbered, and each card in the book to be numbered and bear the number of the book. The stubs to be printed in conformity with the card itself. The card and one stub to be filled out by the Recording Secretary and certified by the President and Financial Secretary of the Local Union granting the same, one stub to be retained by the Local issuing the card, for future reference, the other stub to accompany the card and must be immediately filled out by the Secretary of the Local where the card is deposited, and returned by him to the Secretary of the Local that issued the card.

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"SEC. 13. The President, Financial and Recording Secretary of the Local Union shall keep a record of all Transfer Cards bought by, issued by, and deposited in their respective Local Unions. The Auditing Committee shall compare their records every three months, and, in the presence of the Local Union, destroy all Transfer Cards that have been deposited that there is no dispute about.

"ARTICLE XII.

"SEC. 2. Districts may adopt such laws for their government as they deem necessary, provided they do not conflict with the International Union.

"ARTICLE XIII.

"SEC. 2. Subdistricts may adopt such laws for their government as they may deem necessary, provided they do not conflict with International and District Constitutions or agreements entered into.

"SEC. 3. All Local Unions within the territory of Subdistricts already organized in any District shall contribute and become a part of the same and comply with its laws, before they are entitled to password or representation in either International or District organization.

"ARTICLE XIV.

"SECTION 1. Local Unions shall be composed of miners, mine laborers, and other workmen, skilled and unskilled, working in and about the mines, except mine manager, top boss, and persons engaged in the sale of intoxicating liquors, and shall be given such numbers as the International Secretary-Treasurer may assign them.

"SEC. 2. All Locals shall be under the jurisdiction of the International, District, and Subdistrict Unions, and may make such laws for their government as they deem necessary, provided they do not conflict with the International, District, and Subdistrict Constitutions or Agreements entered into. Any Local Union or members thereof violating this section shall be subject to a fine of not less than \$5.

And to further show how this Union undertakes to control the freedom of its members to work when and for whom they please, also its determination to destroy the right of the employer to conduct his own business as he pleases and to discharge and employ whom he pleases, I quote these sections of Article X of this Constitution:

"SECTION 1. When trouble of a Local character arises between members of a Local Union and their employers the officers of said Local shall endeavor to effect an amicable adjustment, and failing in this, they shall immediately notify the officers of the District to which the affected Locals are attached, and said District officers shall immediately investigate the cause of complaint; and failing to effect a peaceable settlement on a basis that would be fair and just to aggrieved members, finding that a strike would best serve the interests of the locality affected, they may order the inauguration of a strike; but no local strike shall be legalized or supported by a District unless its inauguration was approved by the officers of the District or by the International Executive Board upon an appeal taken by the aggrieved members from the decision of the District officers; any Local Union striking in violation of the above provisions shall not be sustained or recognized by the International officers.

"SEC. 3. When any member of the United Mine Workers is suspended or discharged it shall be the duty of the Mine Committee to immediately investigate the case, and if the member discharged is not guilty of an offense justifying the same the grievance shall immediately be reported to the Subdistrict and District President in writing, under the seal of the Local, and if, upon investigation, the report of the Local Committee is found correct, the Subdistrict and District President shall immediately insist upon the reinstatement of the suspended or discharged member.

"SEC. 4. The International officers shall, at any time they deem it to be to the best interests of mine workers in a District that is idle, for just and sufficient reasons, order a suspension in any other District or Districts that would in any way impede the settlement of the District affected; provided, that such action would conserve to the best interests of the United Mine Workers of America."

I also quote the following from the constitution of district No. 6:

"ARTICLE I.

"SEC. 1. This organization shall be known as District No. 6 of the United Mine Workers of America.

"SEC. 2. One of the objects of this organization is to unite all employees in and around the coal mines of Ohio and the Pan Handle district of West Virginia.

"ARTICLE VIII.

"SECTION 1. In case of trouble arising in any local with the employer, it shall be the duty of the local officers to try to effect a settlement; failing in this the grievance shall be presented to the subdistrict President in writing, who shall investigate the grievance or dispute and settle, if possible. Should he fail, he shall consult the District President, who shall settle the dispute either by suspending work or such other methods as they may deem best. In case of a direct violation of agreements the subdistrict President or Local Union affected are authorized to order a suspension of work.

"SEC. 2. When it becomes necessary for the District President to close a mine, or when a mine or mines from some other legitimate cause has been forced to close down, said officers may, if they deem it wise, close every other mine in district, or may distribute those idle men into any other mine or mines in the district in which said mine or mines so closed may be situated.

"ARTICLE IX.

"SECTION 1. The initiation fee in District 6 shall be \$10, and all persons applying for and securing work in the mines who are not practical workers shall pay \$10 initiation fee. Any person applying for work at any organized mine shall present a United Mine Workers card. In case said person can not present such a union card he shall pay the regular initiation fee.

"SEC. 6. All persons employed as checkweighmen shall be members of the United Mine Workers for a period of six months before they are elected to such position. Notice shall be posted near the weigh sheet at least three days before the election of a checkweighman, and no persons are entitled to vote except those who are assessed to pay him his wages.

"SEC. 12. When a miner's son becomes old enough to work in mine he shall be given the preference over other applicants for work.

"SEC. 15. Any member of our organization working in or around the mine, working on idle days or extra time, in violation of our constitution or agreements, shall be fined \$2.50 for each offense.

"SEC. 17. That a fine of \$10 in each individual case where it can be proven that a member of the union leaves his district for West Virginia, or any other unfair mines, and remains there one month or more without having deposited his transfer card, and returns without giving a satisfactory account of why he has not deposited his transfer card, and the fine to be collected by the local union where he works."

And these from the constitution of sub-district 5 of district 6:

"ARTICLE I.

"SECTION 1. This organization shall be known as sub-district 5 of district 6, United Mine Workers of America.

"SEC. 2. The object of this organization is to unite the mine employees of Belmont, Jefferson, Tuscarawas, Harrison, and Carroll Counties, in Ohio, and that part of Stark County south of Canton, other than the Massillon seam, and Hancock, Brooke, Ohio, and Marshall Counties of West Virginia, to ameliorate their conditions by methods of conciliation, arbitration, or strike.

"SEC. 3. All men are eligible and must be members of the U. M. W. of A. who work in and around the mines.

"ARTICLE IX.

"SEC. 2. That a fine of \$10 in each case where it can be proven that a member of our union leaves his district for West Virginia or any other unfair mine and remains one month or more without depositing a transfer card, and returns without giving satisfactory account of why he has not deposited his transfer card, and a fine to be collected by the Local Union where he is working.

"SEC. 3. Any member of our organization working in or around the mine, working on idle days or extra time, in violation of our Constitution or agreements, shall be fined \$2.50 for each offense."

It very clearly appears from a study of these rules that (a) they undertake to require members of the organization to surrender their individual freedom of action; (b) to coerce nonunion miners to join the union, whether wishing to do so or not, for they must be members "who work in and around the mines;" (c) to control or rather abrogate and destroy the right of the employer to contract with the men independent of the organization; (d) to exclude his right to employ nonunion labor if he desires; (e) to limit his right, in the absence of contract, to discharge whom he pleases, when he pleases, and for what reason he sees fit; and (f) to assume the right on the part of the organization through its officers to control the employer's business, to shut down his mine by calling out the men in obedience to their obligation whenever it is deemed to the interests of the Union, regardless of the employer's interests or the effect that such action may have upon him as regards loss, damage, and necessary violations on account thereof of his existing contracts with others. To such extent in this direction does such assumption of power and control go, that it is directly provided that such suspension of operations may be ordered, even though there be no dispute between the employer and the Union, but solely because such dispute exists between the Union and some one or more of his rival operators in business in the same district or other districts. In all these particulars these provisions violate the law guaranteeing, under our free Government, the rights of both the labor and capital involved and, further, the rights of the public consuming the product of such labor and capital. But still further, and what manifestly is of far more vital importance, under the power so assumed by this close and compact organization, and by reason of these obligations and rules enforced by it upon its members, it is more than probable that if allowed to unionize and control the mining operations in West Virginia, it will be entirely able to fulfill its express contract of 1898 with its co-conspirators, the operators of Ohio, Western Pennsylvania, Indiana, and Illinois, and "protect" them from the competition of West Virginia coals, restore to them their lost markets, and practically destroy the coal-mining industry of this State, to accomplish which the Union has admittedly already spent hundreds of thousands of dollars and sacrificed human life as yet to no avail. It is not to be assumed that because I have not discussed other of the rules and purposes of this organization that I have ignored their meritorious and beneficent character; nor that I have not considered the very natural and human instinct inspiring the officers and members of this Union, resident in other States and laboring under physical disadvantage in mining conditions, to regard their personal interests as paramount. Most of its officers have testified in open court before me and have fully convinced me that they are men sincere in the conviction of the integrity of their action, perfectly frank and truthful in their testimony, self-educated, and who have by their own efforts rightly acquired the leadership in their life work. So far as I am concerned the law required me to consider these rules of the organization and ascertain whether any of them are unlawful in character. If so, whether the unlawful ones dominate the actions and purposes of the organization, or whether the purposes contemplated by the unlawful ones are so intermingled with those designed by the lawful ones as to render separation impracticable. If such domination of the unlawful prevails or such separation can not be made, then under the authorities I have cited the organization becomes unlawful. In view of the undisputed testimony in this case I am constrained to believe both unlawful conditions exist as to these rules. They go far beyond those held to be unlawful, dominating, and inseparable by the English cases which I have cited. They have permitted the officers of this organization to expend, by their own admission, hundreds of thousands of dollars of the funds derived from members bound by these rules in an unlawful conspiracy to restrain trade upon such a large scale as to involve the whole, vast coal-mining industry of West Virginia.

The CHAIRMAN. The following letters filed by Mr. Felts may be incorporated in the record. Mr. Felts thinks he may possibly have done Mr. Burwell an injustice in his testimony given before the subcommittee.

(The letters are as follows:)

EXHIBIT No. 9.

FILE & FILE,
Beckley, W. Va., July 12, 1913.

Mr. T. L. FELTS, *Bluefield, W. Va.*

DEAR SIR: It has been called to my attention that attacks are being made upon Mr. W. A. Burwell in the congressional inquiry which is now being conducted relative to the strike on Cabin Creek.

In this connection I beg to state that I have known Mr. Burwell for several years and that I believe that he has made an efficient and law-abiding officer. I have seen him frequently in court as a witness, and he has appeared in at least one case for the State in a criminal case in which we represented the defendant, and Mr. Burwell has always shown himself to be fair, honest, and upright in all of his dealings so far as our connection or association with him are concerned, or so far as we have learned from other parties who have been associated with him. Mr. Burwell has recently married and resides within the town of Beckley, and so far as we have observed his conduct or heard his general reputation discussed by those who know him, he bears the reputation of being an honest, upright, and law-abiding citizen.

Yours, very truly,

ASHTON FILE.

BECKLEY, W. VA., August 12, 1913.

Mr. T. L. FELTZ, *Bluefield, W. Va.*

DEAR SIR: I feel it my duty to write you a few lines in behalf of Mr. W. A. Burwell, against whom there has been lodged some adverse criticism before the senatorial investigating committee, and which I feel is unquestionably placing Mr. Burwell in the wrong light.

Mr. Burwell has very satisfactorily filled the position as deputy sheriff during my incumbency of office as sheriff of Raleigh County for the past four years, and I feel that I am in position to know him better than most men, I am pleased to say to you, as well as all others whom it may concern, that Mr. Burwell has proved to be a very efficient officer, honest, trustworthy, conservative, and cool-headed, and these charges do him a great injury.

Mr. Burwell is well worthy of respect and consideration, and I shall be pleased if you will take pains to set him right before this committee and the business world in general. I feel that all of the unbiased, best citizens and business men of this county and city will bear me out in this assertion.

Yours, very truly,

C. V. COTTLE,
Ex-Sheriff, Raleigh County.

CIRCUIT AND CRIMINAL COURTS OF RALEIGH COUNTY,
Beckley, W. Va., August 12, 1913.

Mr. T. L. FELTZ, *Bluefield, W. Va.*

DEAR SIR: I desire to say on behalf of W. A. Burwell that I have known him for the past few years, he having served as deputy sheriff while I was serving as clerk of the circuit court of Raleigh County, which enabled me to keep in close touch with him and his work. I am glad to say that he has been, since I have known him, an excellent officer, agreeable, honest, and upright in every particular.

I am making these statements for the reason that there was some adverse criticism of Mr. Burwell before the senatorial investigating committee, which criticism I believe to be unjust and unfair to him, as a man should stand or fall for what he is now and not for what he might have been some time in the past.

Very truly, yours,

JACKSON SMITH.

Mr. KNIGHT. Mr. Belcher and I have, in accordance with the understanding at the last session of the committee, at the suggestion of the chairman, made a written agreement and stipulation, stipulating some facts and agreeing that certain extracts may be taken from the testimony before the governor's commission, the military com-

mission that began its sessions in March last, and from the volume of reports of speeches which have been filed, and the references are all embodied in a written statement which we have both signed and handed to the clerk this morning.

Mr. BELCHER. In reference to the speeches, there is a stipulation—I objected to the speeches going in heretofore. I do not know what the ruling of the committee was.

The CHAIRMAN. What speeches are going in?

Mr. BELCHER. Of Mother Jones during a political campaign. Of course, this strike was on, so Mr. Knight was kind enough to add a stipulation that there was a campaign on at the time, and some of these who were making speeches were interested in the campaign as candidates, and with that stipulation it goes in.

The CHAIRMAN. How much space will these extracts take, do you think?

Mr. KNIGHT. These extracts will take, I should say, probably from 150 to 200 printed pages. They cover 25 or 30 witnesses. Some of them are short witnesses that it seemed unnecessary to bring here to Washington. Mr. Belcher, for instance, wanted the entire testimony before the governor's commission of John P. White, which was entirely satisfactory to us, and there were several long witnesses.

Senator KENYON. I do not think you understood what the Senator asked. He asked you about the speeches.

Mr. KNIGHT. They will not cover very much. There is one of them that will run about 25 or 30 typewritten pages. That includes the entire proceedings of a meeting held on the front steps of the capitol at Charleston, where Mother Jones and others made speeches, and I think the sentiments expressed were very inflammatory. With that exception, it contains picked parts of the various speeches.

The CHAIRMAN. If there is no objection we will include it in the record.

(The matter suggested for insertion in the foregoing is as follows:)

Agreement and stipulation between counsel.

For the purposes of the investigation being conducted before the subcommittee of the Committee on Education and Labor of the United States Senate, under Senate resolution No. 37, it is agreed that the testimony of the following-named witnesses before the Mine Investigation Commission appointed by Gov. Glasscock in 1912 may be made part of this record. Opposite the name of each witness is set the volume and page of the bound copy of the evidence where his testimony begins, which volumes are herewith submitted:

John P. White, beginning volume 3, page 401.
 Ira D. Shaw, beginning volume 5, page 837.
 Van Vandal, beginning volume 5, page 902.
 John C. Gilmore, beginning volume 5, page 906.
 S. H. Montgomery, beginning volume 6, page 1005.
 Steele A. Hawkins, beginning volume 6, page 1065.
 Ernest Gaujot, beginning volume 7, page 1323.
 Z. H. Trowbridge, beginning volume 7, page 1333.
 Paul B. Grosscup, beginning volume 7, page 1404.
 Paul B. Grosscup, beginning volume 8, page 1407.
 J. R. Carey, beginning volume 8, page 1415.

Mrs. Arch Riggs, beginning volume 8, page 1528.
G. W. Hastings, beginning volume 8, page 1541.
B. R. Dressler, beginning volume 8, page 1545.
M. L. Houchins, beginning volume 8, page 1548.
James Meyers, beginning volume 8, page 1550.
R. H. Anderson, beginning volume 8, page 1554.
J. H. Mayfield, beginning volume 8, page 1563.
Ward Schultz, beginning volume 8, page 1570.
Wade Perry, beginning volume 8, page 1581.

Also the testimony of the following-named witnesses before the Military Commission, which began its sessions at Pratt on or about March 7, 1913, the page of the bound copy of the evidence before said commission herewith submitted, on which the evidence of each witness begins, being set opposite his name:

F. W. Howerly, beginning page 14.
F. W. Howerly, beginning page 103.
C. M. Boren, beginning page 21.
Dr. S. M. Wilson, beginning page 24.
R. L. Taylor, beginning page 120.
Frank A. Smith, beginning page 153.
Frank A. Smith, beginning page 165.
Fred Clendennin, beginning page 162.

Also extracts from the volume of reports of certain speeches filed with the commission, reference being made to the pages of said volume as follows:

The entire proceedings of the meeting held at the front steps of the capitol in Charleston on August 15, 1912, addressed by "Mother" Jones and others, extending from page 89 to page 120, both inclusive.

From speech of "Mother" Jones delivered on the Levee at Charleston on August 1, 1912, from the top of page 3 to and including the fifth line from the bottom of page 3; also from and including the thirteenth line from the bottom of page 5 to and including the ninth line from the bottom of page 6; from and including the second line from the top of page 9 to and including the twelfth line from the top of said page; from the top of page 12 to and including the ninth line of said page.

From speech of Harold W. Houston delivered at Holly Grove on August 4, 1912, from and including the last line of page 23 to and including the eleventh line of page 25; from and including the seventh line of page 32 to and including the fourteenth line of said page; from and including the sixth line from the bottom of page 36 to and including the fifteenth line from the top of page 37; from and including the second line of page 41 to and including the last line of page 42.

From speech of "Mother" Jones delivered at Montgomery on August 4, 1912, from and including the fifth line from the bottom of page 53 to and including the seventh line from the top of page 54; from and including the seventh line from the bottom of page 61 to and including the fifth line from top of page 62; from and including the fifteenth line from bottom of page 74 to and including the third line from bottom of said page.

From speech of Circuit Judge William R. Bennett at Montgomery on August 4, 1912, from the top of page 78 to and including the fifth line from bottom of said page.

From speech of "Mother" Jones at Charleston on September 6, 1912, from and including thirteenth line from bottom of page 136 to the bottom of said page; from and including first line from bottom of page 139 to and including the seventeenth line from top of page 140; from and including sixth line from top of page 141 to and including ninth line from top of said page.

Inscriptions on banners at the meeting of September 21, 1912, found on page 154.

From speech of Frank J. Hayes on September 21, 1912, at front door of courthouse, from top of page 155 to and including sixteenth line from top of said page; from and including fourteenth line from bottom of page 157 to and including fourteenth line from top of page 159.

From speech of Samuel B. Montgomery on September 21, 1912, at front door of courthouse, from top of page 174 to and including sixth line from top of said

page; from and including seventeenth line from bottom of page 176 to and including eleventh line from bottom of said page; from and including fourteenth line from top of page 179 to the bottom of page 180.

From speech of C. C. Griffith at front door of courthouse on September 21, 1912, from top of page 181 to and including sixth line from bottom of said page.

From speech of J. W. Brown at courthouse on September 21, 1912, from and including twelfth line from top of page 183 to and including seventh line from bottom of said page; from and including ninth line from bottom of page 186 to the bottom of said page.

From speech of Samuel B. Montgomery at Charleston on September 23, 1912, from and including eleventh line from top of page 198 to and including sixteenth line from top of said page.

And for the purposes of this investigation it is stipulated and agreed, as follows:

1. That if John Davis, John Burns, Dave Hammonds, Sam Bobbit, and Robert Hammonds, referred to in the testimony of C. A. Cabell, on pages 1493 and 1495 of the printed record, were called as witnesses they would testify that they are regularly by occupation, the said Davis, Dave Hammonds, and Robert Hammonds coal miners, the said Burns a school teacher, and the said Bobbit a store clerk; and would further testify that they were employed by the Cabin Creek Coal Association as watchmen at and in the vicinity of Wevaco and United Mines during the month of December, 1912, and January, 1913, at the time that the witness George Lawson (or Larsen) claimed to have been assaulted in that vicinity, and that they were the only watchmen so employed in that vicinity at that time; and each of them would severally testify that he did not assault the said Lawson (or Larsen) or in any way attempt to interfere with the leaving of the premises or the Creek by said Lawson (or Larsen) or any other person employed on the Creek; and that he never heard of any such assault as was described by the said Lawson (or Larsen) on any person attempting to leave the Creek.

2. That if O. J. Morrison were called he would testify that he is the treasurer and manager of the O. J. Morrison Department Store in Charleston; that the list hereto attached, marked "Schedule A," shows the guns, principally cast-off Army rifles, and ammunition bought and sold by him in the year 1912, and from whom and at what points the said guns and ammunition were purchased; and it is also agreed that during the same period one H. Galperin, pawnbroker, with an establishment on Kanawha Street, in the city of Charleston, bought and brought in from New York City and elsewhere and sold a great many cast-off Army rifles, such as Springfield, Mausers, etc., and a great quantity of ammunition for the same.

3. That H. H. Davis and not M. T. Davis was the superintendent at the mine of the Cabin Creek Consolidated Coal Co., at Ohley, on Cabin Creek, where the witness, Philip Cajano, whose testimony begins on page 813, was employed; that said Cajano was known at Ohley as John Philips and was on the pay roll under that name; that if said H. H. Davis were called to the stand he would testify that he in no way encouraged, aided, or abetted Clyde Stump in the assault upon or fight with said Cajano, in reference to which Cajano testified; that he saw said fight; that he had just before the fight told said Stump that he would give him a job of work, but that said Stump was then under the influence of liquor, and he had told him to go home and get sober so as to come to work in the morning; that

said Stump after leaving said Davis met said Philips a few steps away and told Philips to pull off his specs, that he was going to whip him and that Stump struck Philips twice; that said Davis understood that Stump and Cajano had been drinking together whisky furnished by Cajano; that Stump was a boy about 16 years old; that the pay statements hereto attached as "Schedule B" show the earnings and pay of Cajano, or Philips, while working for said company, those dated in May and June representing semi-monthly pays; and that the testimony of said Davis would be corroborated by Thomas Ronk, Oscar Harris, J. M. Harris, W. V. Atkinson, C. Ronk, and B. H. Kelly; that the last three would testify that Cajano furnished the whisky upon which both of them had gotten drunk, and said C. Ronk would testify that Cajano was struck only with Stump's open hand.

4. That at the trials before the Military Commission at Pratt, beginning on or about March 7, 1913, the prisoners who were members or adherents of the U. M. W. A. were not represented by the counsel appearing in this investigation or by any other counsel employed by the U. M. W. A., but they were represented by Cpts. Carskadon and Morgan, members of the National Guard and lawyers by profession, assigned to the duty by the Commission, and some of them employed and were represented by the law firm of Littlepage, Matheny & Littlepage, of Charleston.

5. That from the beginning of the strike until early in November, 1912, a political campaign was in progress in Kanawha County, as elsewhere in West Virginia; that said Harold W. Houston, above mentioned, was a candidate for office upon one of the tickets in said campaign; that William R. Bennett, above mentioned, was, at the time of his speech, judge of the Circuit Court of Fayette County, and had been renominated and was a candidate for reelection; and that Samuel B. Montgomery, above mentioned, was an active participant in said campaign and in the counsels of one of the political parties engaged therein.

For the U. M. W. A.:

A. M. BELCHER.

For the coal operators:

E. W. KNIGHT.

CHARLESTON, W. VA., *October 28, 1913.*

SCHEDULE A.

CHARLESTON-KANAWHA, W. VA., *October 28, 1913.*

HON. A. M. BELCHER, *Cty.*

DEAR SIR: We inclose to you statement of the guns and ammunition bought and sold by us during the year 1912, as advertised in our spring catalogue, and would say that we sold these guns and ammunition to parties in this and adjoining counties.

It would be impossible for us to give you the names of the parties purchasing same, as the most of them were sold in small quantities, one and, perhaps, two to some parties, and as we sell for cash we have no chance of knowing the names of the parties.

We sold a few of these, however, to a jobber here in the city by the name of H. Galperin.

Yours very truly,

O. J. MORRISON DEPARTMENT STORE.

2172 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

CHARLESTON, W. VA., October 28, 1913.

Statement of guns and ammunition handled by the O. J. Morrison Department Store Co. for the year 1912.

Date.	Articles.	Number.	Date.	Articles.	Number.
1912.			1912.		
Mar. 27	Springfield rifles.....	100	Apr. 1	Cartridges.....	500
Apr. 25	do.....	100	Apr. 25	do.....	1,000
May 3	do.....	100	May 17	do.....	2,000
May 17	do.....	100	June 8	do.....	2,000
June 8	do.....	100	June 24	do.....	2,000
June 24	do.....	100	June 27	do.....	2,000
July 11	do.....	100	Aug. 5	do.....	3,000
July 25	do.....	100	Aug. 20	do.....	2,000
Aug. 5	do.....	100			
Aug. 16	do.....	100			
		1,000			14,500

Total number of Springfield rifles handled in the year 1912, 1,000; total amount of ammunition handled for the year 1912, 14,500. All of above guns and ammunition were purchased from Cal. Hirsch & Sons, St. Louis, Mo.

Respectfully,

O. J. MORRISON DEPARTMENT STORE Co.

SCHEDULE B.

Pay statements of John Phillips, Kayford, W. Va., in account with Cabin Creek Consolidated Coal Co., Davis mine.

DEC. 31, 1912.

To store account	\$28. 00	By 30 hours, at 15 cents.....	\$4. 50
To doctor.....	. 50	By 197 hours, at 20 cents.....	39. 40
To hospital.....	. 15		
To burial fund.....	. 25		
To board.....	4. 67		
To cash on account.....	1. 00		
Balance due employee.....	9. 33		
	43. 90		43. 90

JAN. 31, 1913.

To store account	\$35. 00	By 256 hours, at 20 cents.....	\$51. 20
To doctor.....	. 50		
To hospital.....	. 15		
To burial fund.....	. 25		
Balance due employee.....	15. 30		
	51. 20		51. 20

FEB. 28, 1913.

To store account	\$22. 00	By 219 hours, at 20 cents.....	\$43. 80
To doctor.....	. 50		
To hospital.....	. 15		
To burial fund.....	. 25		
To board.....	20. 00		
Balance due employee.....	. 90		
	43. 80		43. 80

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2173

MAR. 31, 1913.

To store account -----	\$47.00	By 50 hours, at 20 cents -----	\$10.00
To doctor -----	.50	By 203 hours, at 22.5 cents -----	45.67
To hospital -----	.15		
To burial fund -----	.25		
To insurance -----	2.50		
To cash on account -----	5.00		
Balance due employee -----	.27		
	55.67		55.67

APR. 31, 1913.

To store account -----	\$38.00	By 20 hours (10-hour day), at	
To doctor -----	.50	20 cents -----	\$4.00
To hospital -----	.15	By 183 hours (10-hour day), at	
To burial fund -----	.25	22.5 cents -----	29.92
To insurance -----	1.50	By 75 hours (9-hour day), at	
To cash on account -----	5.00	25 cents -----	18.75
Balance due employee -----	9.27	By 9 hours (9-hour day), at 22½	
		cents -----	2.00
	54.67		54.67

MAY 15, 1913.

To store account -----	\$25.00	By 8 hours, at 22½ cents -----	\$1.78
To doctor -----	.25	By 100 hours, at 25 cents -----	25.00
To hospital -----	.15	Balance due company -----	.87
To burial fund -----	.25		
To insurance -----	1.50		
	27.15		27.15

MAY 31, 1913.

To balance from last half -----	\$0.87	By 20 hours, at 22½ cents -----	\$4.44
To store account -----	12.00	By 92 hours, at 25 cents -----	23.00
To doctor -----	.25		
To cash on account -----	2.50		
Balance due employee -----	12.82		
	27.44		27.44

JUNE 15, 1913.

To store account -----	\$5.00	By — hours -----	\$20.00
To hospital -----	.25	By cash -----	12.82
To burial fund -----	.15		
To insurance -----	.25		
To board and labor -----	1.50		
To cash on account -----	16.97		
Balance due employee -----	8.20		
	32.82		32.82

EXTRACTS FROM EVIDENCE OF MINE INVESTIGATION COMMISSION
APPOINTED BY GOV. GLASSCOCK.

TESTIMONY OF JOHN P. WHITE REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

John P. White, president of the International United Mine Workers of America, being first duly sworn, testified as follows:

I only desire to make a general statement in reference to the policy of the United Mine Workers. I am prompted in doing so because it has been brought to my attention that there have been things said

concerning the United Mine Workers and what they have been doing to bring about certain conditions here. When I make my statement if any one wants to ask me any questions germane to the questions, I will gladly answer them. It has been brought to my attention that it has been said here before this commission, and generally circulated in the public press, that our organizations have agreed with the coal operators of other States to produce this unhappy condition here to the profit and advantage of the operators of the competitive fields, and that our organization was a party to such a scheme. I am president of the International United Mine Workers of America and have served in that capacity since April 1, 1910, and during my administration we succeeded in rehabilitating what is known as the central interstate movement that comprises the States of Indiana, Illinois, Ohio, and Western Pennsylvania. From the very inception of this joint agreement, made at Chicago in 1898, West Virginia was considered a part of that field. That was in 1906, and since that time, up until this spring, each State has made separate agreements with their own district organization of the United Mine Workers. I have charge of the office of president of the United Mine Workers, and I endeavored to rehabilitate that movement so we could meet in general conference, as in the past, and fix the prices of wages and conditions of employment, and after extraordinary effort upon our part we sent out an invitation to the coal operators of these States, including West Virginia, to participate in that conference.

All the States except West Virginia participated, and West Virginia has had little or no organization of the United Mine Workers save and except what is found in the Kanawha Valley, right here in the vicinity of Charleston. We have never been able to extend our organization to any considerable extent because of the conditions prevailing in the coal field here. At this conference the States I have referred to participated, and by reason of their participation therein, for the entire mining country—all the States of the Mississippi Valley, southwest of the Rocky Mountain States, central and western Pennsylvania region, Iowa, and other States. In our consultation we have always endeavored to fix our wages and conditions of employment on a competitive basis. The very name of this conference states its purposes. As president of the international union, I would most emphatically state that that conference, so far as I have any knowledge, also of any preceding conference, has not entered into any scheme that I have any knowledge of, wherein they would have any evil designs or ulterior purposes on the coal fields of West Virginia to the profit and advantage of the coal fields of the central competitive fields. Since my administration, and I can speak with the most positive emphasis, it has not by any act of ours agreed, orally or otherwise, to enter into any such compact. We have only one motive in trying to aid the West Virginia miners, and that motive is just as lofty in West Virginia as it has been in the States I have referred to.

We want to try and help the mine workers, the women and children in these coal fields, to a little more sunshine and happiness. When we arrived at this basic wage conference that settlement practically settled all of the coal producers of the States I have referred to. Each State went on and with their employees made a scale agreement on that particular basis. We were bound by the terms of the basic

scale not to exact anything more than that laid down by the terms of the settlement. On the contrary, the operators were bound likewise that they should not seek to impose conditions beyond that not referred to. That most heartily disproves any statement calculated to link us a party in such a policy. It is true that in our wage conference the question of extending the organization and the question of higher wages came up; we were met by the operators, who pointed to the fact that south of the Ohio River there is little or no organization, and long, weary hours of labor are exacted of the men that toil in the mines, and that they are not having their coal weighed according to law, and that there are no check weighmen on the tipples. The superior advantages of the coal deposits give to these operators so affected a favorable advantage. That is their statement. It has always been our desire, and in accordance with the preamble of our constitution we are obliged to extend this organization to every man who is mining coal, recognizing that they are competitors in the labor world. We want to advance the interest of the miners, and must, of necessity, extend the organization to take them all up in our organization. We hesitated, but we knew that West Virginia for years—the mine workers who attended our convention from West Virginia appealed to the mine workers from all parts of the country to assist them and help them to do this. They wanted to get some consideration as human beings, and naturally we are prompted, and we are expected to be prompted, according to the foundation of the organization, to help these people.

Plans of the operators of the other States against conditions prevailing here are no more than what the plan has been of the organization and policy of the operators of the Kanawha field. They have complained just as bitterly against prevailing conditions of the nonunion mines, of the nonunion conditions of certain sections of Pennsylvania, Ohio, Kentucky, and other States. These contracts, as I stated, when I approach the serious question of making a wage scale, have to be met by freight rate, market conditions, and the physical condition of the mines to help the miner to produce the quality of the coal, and everything enters into a discussion in order to arrive at an equitable price that will enable all to get together their proper share of the market. We are sensible enough to realize that West Virginia, in order to sell her coal production, must find a market outside the borders of its own Commonwealth. If I am correctly informed, less than 10 per cent of the coal produced is sold to home consumption; therefore it would be foreign to our purpose and we would be repudiated by our people, to come to West Virginia, even if we were able to, and build a scale here which would be prohibitive as against our miners and would not be subscribed to by them. We are interested to see the West Virginia miners and operators arrive at a settlement of their difficulty that will enable them to have their markets, and where the other States have advanced the condition of employment—the short working day and recognized the rights of the miners and brighten their lives—we want to see West Virginia do the same. We have no ulterior motive whatever upon the coal fields of West Virginia. We want to see the children of the miners enjoy the schoolhouses and playgrounds. We want the miners to have a better home. We want to see the influence of the church and other institutions radiate throughout this community.

Above all, do we most positively deny that we are in any way in league with the coal operators of any State. This administration, and I as its executive, want to state here that we have never entered into any such scheme or arrangement with anybody. We have found by experience that the coal operators of any State are amply able to take care of their own interest and we find it a pretty good job to take care of ours. On the other hand, we find in the States referred to many operators who are owning large interests in Ohio, Pennsylvania, and other States, also own large interests in the nonunion field here, and I might go on indefinitely and enumerate these circumstances in other nonunion fields we are trying to make scales with, based upon competitive conditions, the physical condition of the mines, and the ability of the miners to produce the coal, and the cost of transporting it, which are always taken into consideration. Hence when the controversy arose in the Kanawha Valley there was no agreement reached here, as you gentlemen possibly will recall, for some time, and because of the deplorable condition of the nonunion sections of West Virginia, as compared with the organized sections, who have been treating with our organization in the Kanawha Valley, we were unable to exact the small advance laid down in the Pittsburgh conference, and were obliged to recognize the very thing we are now being condemned for.

We were compelled to recognize the Kanawha Valley operators' demand that there must be some consideration shown by their industry, because they were at a disadvantage, on account of the non-unionized section adjacent thereto. We were only able to exact one-half of the advance given to the miners of the country and this advance covers only eight or ten thousand men in the Kanawha Valley, as compared to a vast number elsewhere. Our wage contracts are so arranged that when the basic scale is agreed on each State delegate returns to his home and there the miners and the operators representatives form a scale and draw up a code of rules for the enforcement of the same, and provide arbitration committees to dispose of the many disputes that may arise out of the terms of that contract. Because of this fact we felt it our duty, as the president of this organization, to point out to this commission, rather than submit a statement, that is being made for the purpose of prejudicing the minds of the public against the United Mine Workers' organization. Prior to the establishment of the union in 1897, in the State of Illinois, Iowa, and other States, the same organization made that argument and the same condemnation of the union was made, that we were trying to drive them out of business and that we had an ulterior desire upon the coal fields. We could not by any arrangement we have enter into any scheme for the purpose of bringing about a condition in these fields wherein the people of other States would profit thereby. The men in these coal fields of West Virginia have been groaning under oppressive methods for so these many years.

Our organization has not been able to protect representatives in this Commonwealth. They have been assaulted and they can not go into these fields and explain to the miners the purposes of our union without being in danger of their lives. We have had many representatives of our international union assaulted in West Virginia, and for years there has not been an extensive effort made to organize

the State, because we were powerless to overcome conditions complained of. The present trouble largely grows out of the oppressive condition, and we have had no particular interest in inspiring these men, for the reason that we knew we had no protection accorded us in West Virginia; and a great mining region that has suffered these conditions so long, refused to suffer them any longer. Living was no longer possible in these mines, and upon their own initiative they saw fit, without any suggestion or help from us, to rectify that proposition, and, true to our position as an organization, we came to their rescue and proffered what help we could. And the fact that we are engaged in assisting them to resist the oppressive conditions is not due to the fact that we want to give the markets of West Virginia coal to any other coal field. As a rule their interests are in common. We are fought on every hand, and we only get a miserable existence anywhere where we are compelled and able to stand together and exact it. We have improved the condition materially in the fields referred to. We have ushered in an eight-hour workingday, and in all these States we have the right to maintain check weighmen; we have increased the wages at a remarkable rate, but it is undisputed that all of the coal companies that have entered into this trade agreement—the only fundamental principle by which the laboring classes may have their differences amicably adjusted—are all glad to deal with the organization rather than subjugate themselves to the conditions here in West Virginia.

That is the reason we lend our moral and financial aid to the mining men, women, and children in the coal field here and try to bring about such a mutual relationship between the men who own the mines and the men who work in them that these labor wars will be reduced to the lowest possible minimum. Because we do that it is not fair, it is not just, to abuse the public minds by statements that are absolutely without foundation. As the president of the organization, I want to say that I have been associated with the United Mine Workers for many years. I have served them in almost every position they have to bestow. I have given to them the best years of my life. I have mined coal all my life, and under the hardship they endure, and owing to it there is no reasonable sacrifice I would not make to advance their interest. But I would not be willing personally, nor would I be willing as their representative, to form an unjust alliance or enter into any scheme for the purpose of disturbing the peace and tranquillity of one community for the benefit of another. I believe you gentlemen are sound enough to believe that such an offense would ruin the best organization in the world, and the individual that would undertake to adopt such a policy would soon meet his Waterloo. We are trying to establish this union in all of the coal-producing States of the Nation, because, as I have stated, our preamble that we have for our guide teaches us it is the principle we should inculcate in the minds of men who are toiling in the mines everywhere that the best results may be secured by them.

That is the only object I had in coming to this meeting to-day, in order to certify the fact that, as president of the organization, we have at no time assured the operators of any community that we would disturb the peace and tranquillity of another community, even

though it was laboring under great distress, for the purpose of giving to them certain markets. West Virginia's splendid coal supply is well known to every State in this country. Every student of mining knows of the vast resources. Its coal is found now right on the very edges of the States that recognize the mine workers. Those States have increased the wages of their miners from 35 to 40 per cent. West Virginia coal is found in the homes of those communities. By reason of your superiority as a coal-producing State and by reason of the fact of the splendid quality of her coal she will be able to reach the market, and the commission should know and rest assured they will receive fair treatment and that the questions that enter into the producing of a ton of coal are always given consideration by our organization if they care to enter it. The railroad facilities, the ability to market the coal, the physical conditions of the vein, the productive powers of the mines, or even the introduction of labor-saving machinery are taken into consideration. I was glad to have the opportunity to make this statement to the commission. I felt, while not a resident of your Commonwealth, I was here trying to do what I could to bring about a better understanding and arrive at some settlement of this unfortunate controversy.

I felt that to go away without the privilege of making our position clear might be construed by some as me admitting my guilt of the statements made about me and the organization. We know that West Virginia has been without much organization so far as the miners are concerned. I think every well-informed person knows why there has been no organization of the miners here. It is due to the fact that our representatives can not go as citizens of this great country into the coal fields of this Commonwealth and exercise the right of free speech and lawful assemblage without imperiling their lives, and you will have sufficient proof of this statement. We regret this condition, because we believe the unhappy condition of the coal field of this State could be replaced by better and more enlightened methods and we believe not a single injury would come to markets of West Virginia coal, and the operators can have every assurance, and they are powerful enough to demand that assurance, that in the formation of the wage scale, in the adjustment of the hours and in the conditions of the miners, and all of the necessary instances making the wage scale they will have ample power to protect their interest, and we are, as I stated before, actuated by only one motive—to help these poor people who are suffering these oppressive conditions of employment—and we feel we are only reflecting the sentiment of modern civilization. Public men in all walks of life approve of the fundamental principles that enlighten our workingmen and underlie our organization and do not doubt these disputes between capital and labor will be adjusted by some enlightened method. No State can defy or deny citizens who are exercising only their legal rights to advance the interest of the men of the soil, and if they do, that civilization will soon decay.

Our organization did not enter the State of West Virginia to throw the State into confusion, or to in any way bring discord upon the coal industry or the business interest of the State of West Virginia, and I think the public men of this country recognize in the United Mine Workers one of the most potent agencies for the advancement of human effort that we have. It is one institution that has

enabled the miner to see the light of a better day as no other has. It has been able to reach him as no other has. Suppose these men in the mines would turn to some other organization for succor and comfort. I expect the same denunciation and the same criticism of the organization that would attempt to aid them would be just as pernicious as they are in their opposition to us. Is it not natural that they should turn to this organization that has more than 400,000 members? With all of the great amount of coal produced in this country it is recognized as the one institution that is trying to better the lives of the miners. If we were the organization that has been depicted by the statement referred to, would we not lose the balance of public opinion? And if the controversy so acute in the coal fields here was submitted to the decision of an unbiased tribunal, the other side would yield to a settlement in short order. I never was afraid to submit any question to the consideration of a fair and unbiased tribunal, and it has always appeared to me that the fellow who claimed his men were contented and satisfied and happy in their situation and would not submit to that tribunal, in the judgment of men of honor and ability, was wrong. We would like to show them that we have no designs upon their interest and would like an opportunity to submit our question and conditions of employment to such a tribunal. And if the operators took that view of it you gentlemen in this State would not be here to-day lending your best efforts to try and devise ways and means to overcome this condition.

By Mr. HOUSTON :

Q. It has been made a part of the labors of this commission to recommend some remedial legislation, and during the last few days—for the past week or two—quite a little has been said about what is known as the Canadian Wage-Dispute Act, and it has been highly recommended by some who have appeared before the commission, and I will ask you to state the view or opinion you have of it.—A. My experience with the industrial trade dispute act is that it does not meet the purposes for which it was intended. It is perfectly unsatisfactory. My own personal experience with it is simply this: We have three districts in Canada—one in the eastern Province known as Nova Scotia; one in the western portion, including Alberta, and the eastern portion of British Columbia; another one that constitutes the western portion of British Columbia and Vancouver Island. We had one of the most bitter labor wars, that existed two years, in the Province of Nova Scotia. Our union was annihilated and men went back to work for a 10-cent reduction, and that came after failing to reach a basis which they could settle on. In the Province of British Columbia, at Furman and vicinity, on April 1, 1910, at the expiration of a scale period, the miners and operators failed to agree and the miners availed themselves of the act, as you will find by the record, and applied for a board of arbitrators upon it.

The board was appointed, consisting of one miner and one representative of the coal operators, and the Government appointed a third. An examination of many mines was made, and when the findings were reported the report of the operator and the Government representative joined him and made a majority report. The recommendation proved so unsatisfactory the miners would not accept it and the strike continued until I went up there last October and met the oper-

ators and adjusted it. We settled it, as we have in other States, by a joint-representative method. I understood from some of my correspondents who represented the organization in that district that in individual cases they apply for a board and there are efforts made on the part of the operators to prevent individuals from getting it. Another serious complaint is that the Government in selecting the men (for the miners' organization) usually selects a man who has little or no knowledge of the physical condition of the mines and no practical or theoretical knowledge of mining and consequently is incompetent. It would be impossible for such a representative to determine questions of such moment. Not long ago I had a communication from our leading representative there in which he stated that the men had grown so discouraged as a result of the finding of this board that they would not apply for it again. In the Province of Nova Scotia the operators have fought our union very bitterly and have crushed it, and the men went back under adverse circumstances after two years of a struggle that cost more than a million and a half dollars. I take it from information I have and from my own personal knowledge it is not a satisfactory law as applied to coal mines. That is my experience with the trade-dispute acts of Canada.

By Mr. KNIGHT:

Q. You have no personal knowledge of assaults committed by or upon your people in this State?—A. Yes; I have had in the past; none in the immediate present.

Q. Have you ever seen a man assaulted in this State?—A. I have seen those assaulted.

Q. You know nothing of the assaults?—A. Nothing.

Q. What do you mean by the conditions in and around the mines of this State?—A. From what knowledge I have. In 1908, when vice president of the organization and by direction of Mr. Lewis, I came here to negotiate a scale with the miners and operators, in 1908, and I succeeded in effecting a settlement and we signed an agreement here. It was there I received my first interesting practical information as to the conditions here. I found out by personal observation, and not many of the representative men of my class could do that.

Q. You speak of the conditions around mines under which the people were groaning, and I want to know what personal knowledge you have.—A. Only from the statements of men we sent in here to get information and from the statements of men through correspondence. Also from the men affected.

Q. No personal knowledge?—A. I have had no opportunity to gain it.

Q. Do those conditions apply to the union as well as the nonunion mines?—A. I understand there are better conditions in the union field by far than in the nonunion.

Q. What do you mean by this basic scale in the Pennsylvania competitive conference, which is fixed?—A. That prices of coal, both block and bituminous, in the States of Illinois, Ohio, Western Pennsylvania, and Indiana were fixed by that scale; we fixed the hours of labor, the prices of mining, and the day-wage scale, etc. For instance, take Pittsburgh, Hocking Valley, and Danville, Ill., as basic points, and we say at these places mining shall be at so much per ton,

and we say in all these States day wages shall be so much for day work and all the details of the scale. For this year we stated that at the basic points of Pittsburgh, Hocking Valley, and at Danville the basic points the main prices for mining shall be advanced so many cents. If they were working on the gross-wage system they were advanced 3 cents a ton. The district that was working on the screened-coal basis was advanced 5 cents per ton. That is considered relative. The operator that would be buying the miners' product on the run of mines would pay 3 cents a ton advance, while, if your neighbor was screening his coal, he would pay 5 cents advance for all marketable coal that went into the car that was to be weighed after it passed over the screen. We say that other labor and daywork shall be advanced 10 per cent. That is supposed to correspondingly advance with the main prices when taking the prices horizontally through.

Q. You fixed in this conference the rate of wages to be paid in each district mining coal?—A. Yes.

Q. You also fixed the rate of wages to be paid in each district for day labor?—A. Yes.

Q. Then matters that are referred to the local district are merely local matters like rules, etc.—A. Yes; and sometimes daywork.

Q. In what way was this scale made in the national conference?—A. The base was made when each of the competitive State operators agreed to rehabilitate this movement. It was dissolved, and we afterwards rehabilitated this movement. One reason why it was not all done in national conference was that it was too unwieldy. For instance, if each of these four States had to send all of their representatives and they would be in the conference discussion would be endless, so they claim. They argued it was no longer necessary to meet in that way if we would reduce the basis of representation, and the records show we agreed to reduce it from each State; nine operators had nine miners; of course, the full conference had to ratify it.

Q. What is the machinery when you go into conference? How do you set about making it?—A. We go to work and the chairman is designated; sometimes a miner is chosen, and sometimes an operator. For instance, an operator was chosen at the joint conference last year. The subject matter of the scale was referred to a subcommittee, and I was chosen chairman of that, as the miners' representative. There are secretaries, of course, chosen. The miners take the initiative; for instance, if we are seeking an advance in wages, that advance will be couched in the form of a letter or statement. The operators will receive that. Sometimes they will ask to have it considered in separate council before making reply. They will make reply, and they will deny us the advance, and then the matter will go before the main conference for seriatim consideration. The rules to adopt it are provided as are provided in parliamentary law. If a plank is adopted, it takes the unit rule. Each side is allowed so many votes on the controversy on any main and principal question that requires a unit rule. Otherwise it would take a majority of each side to carry a proposition. On the other hand, if the main conference feels that it is a subject that had better be submitted to a committee, that is often done. They might submit a scale to a subcommittee which always has to report to the main conference for ratification.

Q. So when you go into that joint conference there are nine representatives from each side, and a majority of the miners and a majority of the operators can fix a scale for all States?—A. The unit rule requires a unanimous vote. A majority vote is only taken upon incidental questions, if I recollect.

Q. When you spoke of the unit rule you meant it required a unanimous vote?—A. Yes.

Q. Unless the operators agreed on the scale there is no agreement?—A. Yes, sir.

Q. What follows if they disagree?—A. If they disagree and can see no chance to get together, sometimes they adjourn to an indefinite period, and after adjournment possibly see things in a better light; after a while and during that adjournment they might change their attitude. We took two days at Indianapolis when the Cleveland scale was made.

Q. At times there have been national conferences when they failed to agree?—A. Yes; in 1906. It was over the rehabilitation of the agreement. They divided, and three of the States, I believe, signed up or agreed to sign up. However, all four States did sign up, or if they did not sign up in general conference, they signed as individuals.

Q. At that conference the miners were all unanimous?—A. I think they were.

Q. You say three of the States agreed?—A. Three afterwards agreed.

Q. Did you not say three States agreed in conference?—A. I do not recall; I was not present then.

Q. You were a member of it?—A. Yes; I was a delegate.

Q. What was the last outstanding State that signed up?—A. I think Ohio that year was the last that came into line.

Q. You went away from that conference and after that had separate meetings of the operators and miners?—A. Yes; that broke up the movement.

Q. As fast as the States signed up they went to work, and until they did sign up they had strikes?—A. Yes; but there was no strike.

Q. How long ago was that?—A. Ohio was out two or three months, or something like that.

Q. That situation is liable to arise at any time. If the four States go into conference next spring with the organization and, say, Indiana, Ohio, and Pennsylvania should agree on a wage scale containing an advance in wage scale; if Illinois objects to the advance the conference could not make that scale binding except by voluntary agreement?—A. There might be an adjournment of the general conference.

Q. Ohio, Indiana, and Pennsylvania would agree with one another?—A. It might be. Judging from the past, they might say that in the event of a disagreement we will sign up with the operators locally, but we will not sign up until they all agree to sign the scale.

Q. If Illinois was not willing to grant that advance, there would be a strike there until one side gave in?—A. If we decided to sign up by sectional settlement of all the States and the others would give us a fulfillment of our demands and Illinois would not, of course we would contend there would be a strike in Illinois if we deemed she

was entitled to pay the same as the other States were paying. If we were justified in making a strike to secure obedience to that which we had secured at the hands of the other States, we would hale our men out, taking into consideration at all times the willingness of the other States to meet that scale.

Q. So the minority in that general conference is always under that pressure?—A. No; as a rule I have found the operators stick together.

Q. Didn't you have in 1906 the experience I stated?—A. It broke up that year. One State was not in, but afterwards did come in, and then the third State, Ohio, was the last to sign up. The first disagreement was the result largely of breaking up the conference, and as I stated, it has not been rehabilitated until now.

Q. This spring you got together again and succeeded in reaching an agreement?—A. Yes; on a new basis. The operators contended that the conference was too unwieldy.

Q. In what you have to say about the Canadian trades-dispute act, did I understand you to mention two strikes that you had personal experience with or one?—A. Two.

Q. When was the first one?—A. The first one was commenced about 1909 in Nova Scotia against a reduction in wages. I was president when it ended. It occurred in 1909 and it was continued until 1911.

Q. How did that begin?—A. It began with the operators opposing the miners demanding their union to oppress their wrongs, and then the large interests started out to enforce the reduction of 20 per cent in the mining of coal. A part of the strike was declared off in Glace Bay district before I became president.

Q. How did it begin; who made the appeal for arbitration?—A. You could not get an arbitration board there. There were a number of demands made, so I was informed. We tried to get an adjustment of it through the Premier of Canada in the hope of maintaining our wages, and while he was using his good offices there was no board appointed for the general strike. That is the larger field of strike, I mean. The union lost its contention and I settled the strike with the Premier of Canada; the miners lost their contention, as I said.

Q. There was arbitration under this act in a portion of the field?—A. Not in that field.

Q. I think you stated a portion of the strike?—A. A portion of the strike was settled in the Glace Bay, but the Spring Hill section continued until I became president.

Q. That was not settled by arbitration?—A. No.

Q. How was the Glace Bay strike settled?—A. Through an intermediary; some disinterested gentlemen, but it was practically a surrender of the rights of the miners. They were allowed to return to work after years of struggle.

Q. In the matter you had personal experience with there was an arbitration?—A. Yes.

Q. What was the demand?—A. It was in conformity with the scale demand. The contract in Canada did not expire until a year after the contract year. That threw them until the first of last year as against the first of April here, 1910. This contract expired on March 31, 1911, leaving the Canadian miners the only State contract when it expired. All the other States conformed to this year's

settlement from 1910 to 1912, so that when they failed to reach an agreement a short time afterwards, I do not recall the date exactly, the miners made application for this board. The operators opposed the appointment of the board and the governor appointed Ralph Conner, the novelist, and he along with the representative of the miners and the operators conducted an extensive investigation, so it is claimed, at the various mines in British Columbian Provinces, and he rendered his decision and the miners' representatives opposed it and the operators' representatives joined with him and made a majority. However, it did not settle the strike.

Q. Was there a strike pending the arbitration?—A. Yes; the mines remained idle and for many months afterwards.

Q. What was the finding of the majority?—A. The findings the miners claimed to be very unjust. They claimed he gave them no practical relief. He gave certain classes of labor a slight increase, but denied others who were, they claimed, more entitled to a substantial increase than the others, and his findings as a whole, from the miners viewpoint, were very unsatisfactory, and they submitted his findings to a referendum vote and it was almost unanimously disapproved. The strike continued. He rendered his decision in July and then I went up along in October of last year, as the president of the United Mine Workers organization, and arranged to meet with the officials of the coal company and adjusted a settlement, largely on the lines of the operators. Public policy placed it in such a way that we were absolutely powerless to overcome the effects of its findings, and had to adjust it largely upon that basis.

Q. At first when the operators made their report the miners declined to accept it?—A. They declined to concur. The strike continued and the mines remained idle.

Q. Then in obedience to public sentiment you settled on the lines of the report.—A. I arranged a meeting and went to Canada, and I think the records show it was finally adjusted November 17 of that year.

Q. Returning again to your central competitive conference for the purpose of adjusting the wage scale. I understood you to say the base scale formed the scale for practically all the rest of the country.—A. Yes.

Q. What other fields did you cover?—A. We have the central Pennsylvania, the Clearfield district, and then we have the Pittsburgh district.

Q. The Clearfield is not in the central?—A. No. We have the Iowa, Michigan, Missouri, Kentucky, Tennessee, Kansas, Oklahoma, and Arkansas fields. Then we have Washington, Montana, Colorado, Vancouver Islands, and then the central Pennsylvania.

Q. This scale you agreed on at that meeting is supposed to be the base scale for all those others?—A. Yes; it has always been practically with those four States and also considering West Virginia as a part of the competitive field. Many years ago in arriving at the territory that would be limited to this field, I referred to West Virginia as a part of that field, and we recognize it yet. Our interests, comparatively speaking, are the same because we come in competition with the coal from the other three States, or four rather, at so many

places there has never been any question in the minds of the conference that West Virginia should occupy a place in that conference.

Q. Why should not Clearfield, Michigan, Kentucky, and Iowa also be included?—A. We tried to do that. For many years I was president of the miners organization in Iowa. I believe we have sought admission to that conference as frequently as the conference convened and the operators always opposed it. They claim the conference would be too unwieldy.

Q. What operators?—A. Nearly all of them.

Q. The Iowa operators?—A. No; they always wanted to get into the conference. They are governed just the same by it.

Q. It was the operators of the central competitive conference that opposed this and were successful in keeping you out?—A. Yes; taking the unit rule they did.

Q. The operators in the four Central States predominated?—A. Yes; because they would not vote to include the others. They always claimed that West Virginia and the four other States would make it large enough.

Q. What tonnage is represented in the district of Western Pennsylvania there?—A. I can not recollect the figures. We have about 40,000 men in the union in Western Pennsylvania, and they have a pretty good productive power there.

Q. That includes the Pittsburgh district?—A. Yes; and all through there there are about 40,000 men affected by our wage scale.

Q. Practically all of the mines in Ohio are union mines, are they not?—A. All of them.

Q. How about Indiana?—A. The same.

Q. Illinois?—A. The same.

Q. There is some pressure, and has been for 20 years, upon your organization at these biennial conferences by the operators of the other States to take steps to increase the wages paid in West Virginia?—A. No; they never took any steps to do that. We have had pressure by our people here and the miners here are constantly reminding us of the situation they are in.

Q. Do not your operators from these States at these conferences urge you to organize and unionize West Virginia for the purpose of increasing the cost of the coal producing?—A. They do not have anything to say to us at the outset of the meetings on the question. When we try to get an advance they hold up the fact that West Virginia is not unionized, and say that instead of asking more from them we ought to bring West Virginia up to that scale.

Q. They urge you to bring West Virginia up?—A. Yes; as a matter of argument they will take that stand.

Q. They do urge you in so many words?—A. No; they would not do that because too many of them own mines over here. They point to the fact that we are confining our energy to increasing the wages in the fields there, where a great competitive field here is not included and so big. They usually tell us of these things in order to deny us our advances when we ask for them. They say they are unable to enter the markets because of the operators of West Virginia, on account of their superior advantage and the inferior conditions of employment.

Q. They do not urge you to increase the wages here?—A. You may place any interpretation upon their argument you want to. We frequently discuss West Virginia. They talk of its competitive relationship to the markets of the country, her great veins of coal, and the superior quality of her coal. We have discussed the freight rates existing between West Virginia coal fields and the markets of the West just here with you people.

Q. They do not urge you to decrease West Virginia so they may compete in the western markets?—A. No; they do not do that.

By Mr. HOUSTON:

Q. This situation here, before the commission has taken up the turn of discussion of what is known as State constabulary law in the State of Pennsylvania, I would like for you to state to this commission, if you can, your experience or the experience of the organization with the State constabulary of Pennsylvania and the attitude your organization takes against it.—A. I might say that, as bad as conditions are in West Virginia, I hope that they won't adopt the mounted constabulary law. One of the worst things the organized laborer and the working people in general in Pennsylvania is, by the way, the mounted constabulary. We have just passed through a strike in Westmoreland County that for brutal, inhuman treatment beggars description. The mounted soldiers over there, or the constabulary, as they are known, patrol the entire mining region. They are mounted and they have vast authority. They enter the homes of the striking miners and they commit, as is claimed, acts that can not be justified by any powers vested in them. They have brutally assaulted some of our people, and have conducted themselves with such brutality that there is a bitter denunciation entertained against them everywhere. They are stationed at different stations, and it is noticeable that they are particularly stationed in the coal fields. They are roundly denounced by every convention of labor in Pennsylvania.

Q. Do the officials up there make use of the constabulary to any extent?—A. Of course, in the strikes we have they are generally instructed or handled by our local representatives or men selected by the organization. About the only personal experience I have had of results as to the effect of their work was when I was to deliver an address in Westmoreland County, in Greensburg, during that strike, and I arrived there about 9 o'clock in the morning, and there was a farmer and his brother there who had always taken a sympathetic interest in our people, for we had so many men, women, and children there that it was a shocking thing, as you know, and attracted the sympathy and sentiment of the people of the entire country. This man and his brother were very friendly to us and he let us have a portion of his farm to put tents on to house our people that were evicted from their hovels. This man happened to be a candidate for sheriff, and the morning I was to deliver an address at Greensburg he was taking a number of our people down the road. This constabulary brutally assaulted the man. It was so brutal it was shocking to everybody. They say his brother was beaten up and was taken to the hospital. They told me he was a man of excellent repute, of good character, a property owner, and had been raised in that community. From the general information I have received and from

my personal knowledge the constabulary, as generally practiced there, has practically downed the efforts of the men to gain by peaceable and lawful methods what they are entitled to. In other words, the constabulary is put to the purpose of protecting strike breakers and to crush the hopes of those who have been working there and desire to get better work and better conditions of employment.

Q. I noticed in the answers that have been filed here by the operators of the Kanawha Valley they state, without exception, they do not employ guards, and it is also in evidence here that the guards are employed in this State only in the nonunion section. Is that generally the rule throughout the mining sections of the United States?—A. In all the organized sections of the country, in all the States I referred to, to the very best of my knowledge, I know of no guards being employed anywhere in or around the mines. They are no longer necessary when the State agreement is established, and there is not a guard employed in the States of Illinois, Ohio, Western Pennsylvania, Indiana, or anywhere in the Southwest, or in Iowa.

By Mr. KNIGHT:

Q. The State constabulary of Pennsylvania is found in all the coal districts, both union and nonunion?—A. They are located, as a rule, at barracks. They go out in troops, as I understand it. I think I passed a troop. I know one of their headquarters is near St. Clair, in the vicinity of Pottsville. I suppose they can be found anywhere where their services are required, but they are usually patrolling the mining districts. I can not recollect that I have met any of them in Western Pennsylvania. I will not say they are not there. I met them in the anthracite district during my experience up there in the strike troubles, and I have seen them there after peace was established, too. I have not met them in central Pennsylvania. I think they have so many barracks of them in the State, and as they are required they are dispatched to certain zones.

Q. They have four principal barracks and a lot of separate zones?—A. Yes; I think so.

Q. The records of the Cleveland conference between your representatives and the operators for 1912 is not yet in print, is it?—A. The general conference?

Q. Yes.—A. I do not know whether we have the general conference out or not. Mr. Perry, who is here, handles that.

Q. You have not seen it printed yet?—A. No; except what was written in the official organ.

Q. I find you are quoted in a speech at the Cleveland conference as saying that:

"We are as anxious to establish the organization in the West Virginia field and the other nonunion fields as the gentlemen on the other side of the house (the operators) are to have us do so. We have had this pointed out times with out number, that West Virginia has no markets within the State, and, if it were thoroughly organized as suggested, it would have to find a market outside the confines of its own Commonwealth. Nature has favored the little mountain State with an inexhaustible vein of coal of high quality and good mining conditions. The operators there have been successful in defeating the aim and purpose of the United Mine Workers to a large extent, although no one can deny that, under the various administrations of the organization, every effort has been put forth to try to break down the conditions that are complained of here by the other side."

Did you say that?

A. Yes.

Q. What did you mean by the statement "That under the various administrations of the organization every effort had been put forth to try and break down the conditions complained of here by the other side"?—A. I meant that we had put forth every legitimate and honorable effort to establish the organization for a shorter working day, for check weighmen, and other conditions, in order that competitive relations might be maintained and recognizing the fact that West Virginia had long been known as part of the competitive field. The operators on the other side, some of them owning mines in West Virginia and other States, were complaining about the unfair attitude of our organization in constantly trying to hold them up for a further advance in wages, or, in other words, seeking to convey that we were just simply fighting the efforts of the organization of operators there. They said you were a part of the central competitive field and we were not trying to do anything to put you on a relative basis with the other States. We have tried to get operators who own coal mines to take a sensible view of this thing. The instance that incited me or prompted me to make that remark was due to the fact that they were trying to defend themselves against advancing our wages. As I stated a while ago, they will not only go to West Virginia, but anywhere to defeat the miner in getting more than he can be held down to.

Q. By "breaking down these conditions" you meant bringing West Virginia up on a wage scale, did you not?—A. Yes; taking into consideration West Virginia's ability to market its coal, its freight rates, its physical conditions of mining, and the productive power of the miners. All things considered, in other words, to try to place West Virginia's labor market on a par with the competitive fields. It did not mean that we would exact the same prices, but we would first have to go into the mines and find out what the conditions were.

Q. You do not mean that Ohio, Indiana, Illinois, and western Pennsylvania now regard the West Virginia wage scale as entirely too low?—A. I do not know the opinion the operators have, save and except as I have stated, but they were trying to keep us to a lower standard, and when we cited the fact of the increased costs of living it prompted us to make a demand for a further increase in wages, and they pointed to the fact that their wages were relatively higher from a competitive standpoint than West Virginia, and that we were doing nothing to bring them up to what we were trying to exact from those operators.

By the COMMISSION:

Q. There is one question that is not quite clear to my mind. By what means do you fix a basis of wages in these general conventions and what is your basis of representation?—A. For instance, the operators of Illinois have an association, just as I understand the operators of this field have, and they call themselves the Illinois Coal Operators' Association. They have an executive board similar to ours in that particular district. They have a president, a vice president, and a secretary. When they go into this conference the association gives each district so many votes.

Q. What is that vote based on; the number of tons produced, or what?—A. They have never had occasion to pro rate it. They have given each side so many votes.

Q. How many?—A. I could not say, exactly; four on each side.

Q. That same rule applies to Pennsylvania, Illinois, Ohio, and Western Pennsylvania, known as the central competitive States?—A. Yes.

Q. Then, Iowa, West Virginia, and the other States mentioned, that are unionized, have they a vote or representation in that conference?—A. They are not considered in that conference; only West Virginia has been recognized by miners and operators alike since 1898, that they were a part of the competitive field. Missouri, Kansas, and Arkansas have a similar movement, called the south-western interstate movement. That takes the territory I have mentioned, but they meet in a general conference.

By Mr. KNIGHT:

Q. Illinois, Indiana, Western Pennsylvania, and Ohio each have practically the same voting power, regardless of tonnage or anything. Each gives one-fourth of the operators and miners vote?—A. Yes; that has nothing to do with it.

By the COMMISSION:

Q. It has been claimed here that your convention fixes a scale price for Iowa, for instance; and while that scale of prices applies to Iowa, nevertheless the State is not permitted to participate in the fixing of your rate; is that true?—A. It is true, as I said; and the records will bear out the statement that we have been trying to get all of the States into the one conference; and for a long time there was a pretty heated discussion in the annual joint conference, but the operators of the several competitive fields invariably voted against it, on the ground that was too unwieldy. As I stated in my remarks, when the conference of all of the operators and all of the miners meet from these separate States in the one convention the operators have always claimed it would be too unwieldy to admit the others stated. If the representation is reduced it is possible that in succeeding years in the national conference that the operators, it is hoped, will give all of the operators of the country an equal representation there in saying what the conference shall do.

Q. Supposing that West Virginia were organized, who would fix a scale of wages to be paid men in the different fields of West Virginia?—A. The West Virginia operators would exercise the same power in that conference as any other State in it, and they would exercise it over any other State.

Q. But who would determine what the scale of wages to be paid the miners in West Virginia should be?—A. The operators participating in that conference. Suppose the miners, for illustration, were demanding so many cents a ton as a basic point of West Virginia, and the operators would hold it to be unfair, and if they could prove it was unfair, it would be adjusted in that conference. This entire joint conference would have to fix it.

Q. The representatives of what States would participate in the fixing of that scale?—A. Western Pennsylvania, Ohio, Illinois, and

Indiana, by reason of the fact that West Virginia for many years has been considered a part of the central competitive field.

Q. Suppose that the operators of West Virginia were unionized and organized and would not or could not, rightfully or wrongfully, bind themselves or agree to be bound by that scale of wages; how would it be fixed?—A. Possibly if your contentions were such that the operators could not subscribe to them, then if the operators of West Virginia stood alone among the operators of the other side, as to their contention, it would not be an unusual thing to have the matter submitted to arbitration—some disinterested tribunal that had proper knowledge and conception to determine what would be right and fair after an investigation. We sometimes create a joint commission to get together and readjust matters that seem unfair.

By Mr. BELCHER:

Q. In making the scale of wages that would be applicable to West Virginia in case of organization, will that scale take into effect and consideration all of the considerations and conditions that may apply to West Virginia that do not apply to other mines within the conference, among other things, the freight differential?—A. Yes.

Q. It is claimed before this commission by some of the witnesses, and testified to by them, there is quite a freight differential against the coal shipped through this competitive field in Ohio, Pennsylvania, and Illinois, and Indiana against West Virginia coal; would that be taken into consideration and would West Virginia be given a different basic scale in the fixing of wages for the mines of West Virginia to compensate them for that differential?—A. That would be given consideration, and every vital point, as I said; railroad competition, freight rates, would be taken into consideration and discussed and adjusted accordingly. I do not know of any one subject that occupies any more time and gives more serious concern in our counsels than does the question of the ability of the operators in certain sections in the competitive fields than does a prohibitive freight rate, or something of that character. We have endeavored to try to be competitive. We know if we lock a place up by closing the door of its market to our people there, that it means ruin to our people. Our people must work to be prosperous.

Q. Could the operators of West Virginia pay the same scale of wages to the miners in this State as are paid to the miners by their competitors in Indiana, Ohio, and Pennsylvania, and Illinois, in view of the fact of the freight differential?—A. I would only have to answer that in this way. I could not say that they could pay the same tonnage rates. For instance, if the mining rates at Danville, Ill., was 60 cents run of mine, it does not follow that I would be justified in saying that because Illinois paid 60 cents or 63 cents that West Virginia would have to pay 63 cents, but we give West Virginia assurance that she would be dealt with on a relative competitive scale, taking into consideration the physical conditions of the mines, the freight rates, the physical powers of the men to produce the coal. We would not attempt to say here we will make West Virginia pay the same mining price as the Pittsburgh rates, the Illinois rates, or the rate of Indiana. The object would be to give West Virginia a relative scale that would enable her to compete with profit in the markets that would insure her mining industry.

Q. Have the West Virginia operators ever been denied representation at this joint conference, or have they ever applied for representation?—A. During my administration (I have only been national president for two years) I have rehabilitated this movement. I know I sent the same invitation to the operators of this field that I sent to the operators of Western Pennsylvania, Ohio, and elsewhere.

Q. There has been some evidence given here to the effect that if West Virginia was organized the four competitive States meeting in a general conference could so fix a scale of wages and prices that the operators of West Virginia would be compelled to cease doing business and they would make it prohibitive and prevent them from doing business in competition with the four States; can you state whether such a condition could arise?—A. My judgment and my knowledge of the men that meet in that joint conference leads me to the positive belief that such a contingency could not arise. I do not believe that men would combine in a scheme of that kind, even though they could, to put a State in an unhappy condition whereby her interest would be paralyzed. Such a condition never arose in the States in question, and it is safe to assume that they have their differences about prices to be paid. I have noticed them every time we have a conference that some one asked for a readjustment and they take it into consideration and if he is entitled to it he would get it.

Q. Are not the freight rates, the cost of transportation of coal, in each district different? In other words, one price prevails in one State and another in another State? The scales are fixed after taking into consideration the differentials in those rates?—A. Yes; the words themselves signify that—"competitive interstate agreement."

Q. And an equitable adjustment is made of that proposition?—A. We have to make a scale that will permit our people to share in the trade.

By Mr. KNIGHT:

Q. You say that the operators who have to do with this interstate central competitive movement are men of high character and you do not think they would undertake to fix a scale of wages that would put West Virginia out of business?—A. Yes, sir.

Q. Do you know Moses Taylor, of the Pittsburgh Coal Co., and chairman of the board of directors?—A. I know him personally, I think; a man with a gray mustache.

Q. If you had heard or would see the evidence that Mr. Taylor did declare that the opening of the West Virginia mines was an economic blunder and that an effort was made by the Pittsburgh operators to get their freight rates lowered, or the West Virginia rates increased, for the purpose of putting West Virginia out of that market, you would not put it past Mr. Taylor to get the Interstate Commerce Commission to raise the rate would you?—A. From the acquaintance I have with Mr. Taylor I do not think he would be a man to injure the industry in West Virginia.

Q. Would your impression be removed by positive evidence of record?—A. I have a very limited acquaintance with him. I would not be required to pass upon the character of Mr. Taylor. I simply referred to the fact that in our joint convention all men who are representing the industry on the other side there and from my close contact with the big problems we have to deal with, I believe they are

men of good business character, and in all my business experience there I have never had an operator to ask me to be a party to any dishonorable act.

Q. In your central competitive conference you would not expect West Virginia to pay the same rate per ton for mining that other States do and would not expect to fix a rate for them except on relative competitive conditions? In fixing that relative competitive scale Ohio, Indiana, Illinois, and Western Pennsylvania operators and miners would have just as much to say as the West Virginia operators and miners?—A. Of course, it is just like it is in Congress, where little Rhode Island, with a small area of territory, has just as much to say in the Senate as Texas. It would be hard to reorganize that. It has been my experience that if the operators of West Virginia would participate in that convention just as I have heard the districts referred to, when one of them feels as though they are entitled to a consideration in their scale, they are generally able to convince the conference, as a rule, on the main and principal questions until there is an adjustment of them.

Q. If West Virginia should attend and enter into your next conference, when you go to fix the basic scale for West Virginia and establish competitive relation with those other States, would those other States have just as much to say as the operators of West Virginia?—A. Yes; they would have the same vote.

Q. If any of the other four States objected to the scale asked for by West Virginia, and perhaps agreed upon by West Virginia miners and operators, it would not be fixed?—A. It might not reach a unanimous agreement, and of course it could not under our rule. They would not agree with a State who would seek to pass something unfair like that on another State. It would be taking an indefensible and untenable position. I rather think that is a fair idea of what might take place in that conference so long as the organized States made a painstaking endeavor to bring about relative conditions.

Q. If West Virginia did not vote, you would have 5 votes on the operators' side and 5 on the mine workers', and you would call it 4 votes?—A. No. We have so many apiece, and if West Virginia entered we would have an equal vote and say what the voting strength would be.

Q. As a practical fact, when you came to fix the West Virginia basic scale, you would have the West Virginia operators against the West Virginia miners and against the operators and the United Mine Workers of the other four States?—A. If you call it that.

Q. Their interests would be opposed?—A. They would be contending for certain demands and certain principles.

Q. The Western Pennsylvania district—the Pittsburgh district—is at the zenith of its production or past it?—A. Yes; it is increasing. I could not give you the figures without reference, but I think it may have fallen off.

Q. Is it increasing?—A. Yes; it is increasing. I could not give you that without reference, but I think it might have fallen off.

Q. How about Ohio production?—A. Ohio production is falling off.

Q. How about Indiana?—A. They are increasing, I think.

Q. Much or slightly?—A. I could not say.

Q. How about Illinois?—A. Illinois is increasing a little. The cause of the falling off in Pittsburgh and Ohio is because their markets are being taken by the West Virginia coal fields.

Q. West Virginia is increasing constantly, and has for 10 years, very much more rapidly than any of the other States?—A. I suppose it has. There are great developments.

Q. So when this wage scale is agreed on here in Charleston between the unionized fields of this Kanawha Valley and the representatives of the organization here, does that have to be approved by the meeting here?—A. Yes.

Q. Then it is given to you, or one of the vice presidents, for final approval, is it not?—A. No. We generally let the basis of the settlement entered into be agreed upon here. The only way we take part in the national organization is when our representatives ask our services to assist in the adjustment of it.

Q. Do you approve of what is done by the local people or does it require your sanction?—A. No; if they would participate in a meeting in an interstate movement, their basis would be laid down by them by that convention.

Q. Does not that come to you to see if it is on a fair basis for the interstate movement?—A. No; it only comes to me if the president doubts his course. My whole State settled on the same basis. I did not approve of their scale.

Q. Suppose they did not get their basis?—A. They are responsible; not me.

Q. Suppose they did not get a basis you thought was based on the basing scale or was lowered, what would happen?—A. They would be permitted.

Q. Would you have the authority to call a strike?—A. No.

Q. Would you not have the authority to adjust an agreement?—A. No.

By the COMMISSION:

Q. Suppose West Virginia being an organized State and the miners and operators of West Virginia, without any action on the part of the international association, fixed their prices and scales and terms of conditions?—A. They would have to be governed by their national convention in these formalities of demand and contract. They would be given latitude to make certain concessions if they believed that they should make them. Our district organizations have practiced home rule in their own territory. If West Virginia was a part of the central competitive fields she could do as the other States are doing—having a meeting with the operators and miners and fix the wages and conditions.

Q. Suppose West Virginia operators should recognize the United Mine Workers and organize the State, and that the miners and operators agree among themselves so as to fix these terms and conditions; would there be any interference from the outside?—A. No, sir.

Q. What practical substantial efforts does your organization make to encourage thrift and saving of earnings by the miners?—A. We have been trying for many years to give our people better conditions of employment and shorter hours of labor the same as all other citizens, and to cultivate the habit of thrift and progress and building of

homes, etc., but it is a pretty hard matter for a miner to attain any of these things, because as a rule the building of the home in the mining community is very uncertain. He might depend on one man for his employment, and the life of the mine where he was working might not exceed 10 or 15 years, and if he lost his job the home would be practically worthless, so that it is a hard matter for a miner, as a class, to attain those ideals of home building that can be found in every other class of workmen where the industry is general and there is something else to depend on.

Q. What degree of skill or experience is required to become a member of the United Mine Workers?—A. We have been trying to establish that, but the operators oppose and defeat it. We held that if our people were required to pass a skilled examination, setting forth that they must have so many years' experience, that accidents and disasters in the mines would be reduced to the lowest minimum. The operators in those three States, every time we have had it determined, rather than pay a practical miner full wages scour the country to get men who know nothing of mining and have no knowledge of practical mining work or explosives, and do not know how to care for their own lives or those of others.

Q. What requirement or degree of skill or experience does a man have to have now to become a member of the union?—A. He does not have to have any degree except where we have a law.

Q. There is no qualification necessary to become a member?—A. No; because the operator reserves the right under all the contracts to hire whom he pleases.

Q. Is there any difference of wages in the scales fixed by the organization between the skilled and unskilled workman?—A. No; the scale of wages in any State under our jurisdiction is for all the men in that particular line of work, the operator reserving the right, as he does, to employ men who he sees fit; and he pays the scale and hires the most competent men he can get. In the State of Illinois we have a qualification law that requires the miners to work so many years before they can get into the facing and take charge of a room, and the operators should pass such measures everywhere. We have a similar test in the anthracite field, and the operators are trying to break it down. Wherever we have any trouble they get inexperienced men from Europe by the carload and break down conditions we are trying to build up. These men know nothing about handling explosives. Many a time an explosion occurs through some fellow's inability to gauge powder.

Q. The organization leaves it up to the operator to judge of the fitness of a man to work in a certain capacity?—A. Yes; we have tried in several legislatures to establish qualification acts, such as they have in Illinois and in the anthracite regions and in Missouri, but the operators oppose it very successfully.

Q. In those States where it is not covered by statute the organization leaves it up to the operators to select anyone whom he wants to take into his service?—A. Yes; that is practically it. He may hire whom he pleases.

Q. Along the lines Mr. Knight was questioning you about—he spoke in reference to the operators of the three competitive States having the authority or the right to vote in the general conference and arriving at or fixing the scale of wages for West Virginia op-

erators in the event those operators entered the joint conference—would not the operators of West Virginia have the same right or authority as exercised in each of the other States to vote in fixing the scale of prices that would obtain in the other competitive States?—A. Absolutely; yes; and the same right to establish conditions of employment in those fields. If they thought they were not getting a square deal there they could establish general relations with our people here.

Q. Then West Virginia would have the same representation and authority to act in the conferences as would any of the other States that enter and participate in the general conference?—A. Yes, sir.

By Mr. KNIGHT:

Q. You spoke of the national operators' organization possibly leading to a getting together of the operators and the miners in one conference. That national organization has nothing to do with the labor question, as nonunion as well as union operators belong to it, and they could not deal with labor questions.—A. No; the operators of the organized States want to deal with the organized mine workers of the country and did organize last fall what they called the National Federation of Mine Operators, the aim of which, so I have been told and see by the notices, is to make more effective a uniform agreement without these sectional conferences being held throughout the country.

Q. Is the national association you speak of restricted to the unionized mines?—A. I suppose they are all organized.

(The commission then, at 5 o'clock p. m., adjourned, to meet at 10 o'clock a. m. September 24, 1912.)

TESTIMONY OF IRA D. SHAW, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Ira D. Shaw, being first duly sworn, testified as follows:

By Mr. KNIGHT:

Q. Where do you reside?—A. At Pittsburgh.

Q. What is your occupation?—A. Mining secretary for the International Y. M. C. A.

Q. How long have you been international secretary?—A. Four years.

Q. Did you formerly live in Charleston?—A. Yes; I lived here for three years up until last May.

Q. Is there a Y. M. C. A. on Cabin Creek?—A. Yes, sir.

Q. Where?—A. At Decota.

Q. By whom was that built?—A. Largely by my personal effort.

Q. Please tell about the establishment of that and with whom you took it up and how it was established.—A. The Y. M. C. A. made a survey of the entire field of West Virginia some time ago and had a talk with the principal operators, and, almost without exception, they said they wanted to do something for their men to better their condition. They felt that the men needed more education, more social advantages, and more uplifting influences at the mines. Mr. M. T. Davis and Mr. Cabell seemed to be the men who were the most ready to begin on anything of that kind. Mr. Davis is the president of the Cabin Creek Consolidated Coal Co. and Mr. Cabell the Carbon

Coal Co. I talked with them, and they said they would like to know if the men wanted something of that kind. They thought they ought to have a clubhouse, shower bath, pool table, moving pictures, reading room, and game room; a place for educational classes to educate the men to become mine foremen and pass the State examination. There was a distinct move on the part of the State authorities to elevate the knowledge of the miner in the theory of mining.

I visited the different works and talked with some of the men and some had known about the Y. M. C. A. and some wanted to know about it, and about 200 men said they would like to see it in operation there. They did not pledge any money, but said they would work to see it in operation, and if it come up to what we claimed for it, they would join it. They, the company, had a couple of buildings not in use there at the time; one had been used as a saloon and another was used as a store. They put money enough in it to fix things up and fix the store building and got a moving-picture machine. The other building they equipped with pool tables and shower baths and reading room, with magazines and a casino where they sold soft drinks and candy, also ice cream, and a general room where they could go in and sit around and play games. It was a clubhouse for the men. Then the men organized the association. After a general meeting of the miners in the community they elected Mr. Cabell president and Mr. Davis vice president, and the association furnished the secretary, which the company paid for. From our end we put in a trained man as a general secretary to oversee the activities and direct the work. It was organized in March and within six months probably 80 or 90 per cent of the men were members of the association. They came in in droves. They said that was the only place they had to stretch their knees and have a jolly good time. Then they went on and put in a bowling alley. The bowling alley was so well patronized by the men of the company that they got a surplus of money and put in a swimming pool, that is in operation now. The swimming pool is about the size of this room. It is like the old swimming hole.

Q. Do you know the companies that contribute to the support of the association there?—A. Yes, sir. The officials of the Cabin Creek Consolidated Coal Co., the Carbon, the Wake Forest, and the Wyatt.

Q. As I understand it, it is those companies whose land is held by the Cabin Creek Land Co., whose mines are within a radius of 4 or 5 miles?—A. Yes, sir.

Q. You put a trained secretary there?—A. Yes, sir.

Q. What did he do in addition to his duties around the association quarters?—A. He organized classes in mining among the men who were anxious to pass the examination. The second winter they were there John Laing gave his examination and he got the secretary to give them this instruction, and it did not cost them anything for the classes and every one took the examination and passed.

Q. Do you know whether that course of instruction was kept up after that?—A. It has been kept up ever since.

Q. Was there any instructions given in regard to sanitation and the care of the houses?—A. Yes; that is what our moving pictures did. They used to go to different places like Kayford, or West Virginia, and Republic, with a "swat-the-fly" picture film, showing the danger of typhoid, etc. There were also stereopticon talks on health and sanitation.

Q. Did the company's surgeon talk, also?—A. Yes; and they gave instructions in first aid to the injured. The company's surgeon had one class that was sent to Pittsburgh to the demonstration. It was the only company from West Virginia. It made a splendid record.

Q. Then these talks and stereopticon lectures and moving-picture exhibitions were given around at the other mining points as well as at the association? Who was the general secretary there?—A. Yes, sir. The secretary was Page.

Q. How long was he there?—A. About three years.

Q. Where is he now?—A. He is doing the same kind of work in the Panama Canal.

Q. The new man has been there only a month?—A. Yes, sir.

Q. Did you spend very much time there in the beginning?—A. I dug ditches and put down water pipes and worked there to get the thing ready.

Q. At that time you lived here?—A. My headquarters were here. I spent a good deal of the first few months there. The men themselves would help.

Q. The membership of the association is restricted to white miners?—A. Yes; of course, the colored men get some benefit from it so far as they can. They go to the moving-picture shows and they buy soft drinks, etc. They never requested to use the games or anything of that sort, although the company expects to put in something of the sort for the colored people.

Q. Was this the earliest miners' Y. M. C. A. in the country?—A. It was the first white association there was in the world. There was a colored one in Buxton, Iowa.

Q. Has this association been followed by others?—A. Yes, sir. There has been two or three put in in Kentucky along the same order. There were several others in contemplation in this State. Other operators up and down the line with whom I have talked, Mr. McClung, John Laing, and others, express a hope that the time will come when they could do something of the sort.

Q. What are the dues charged by the association?—A. Twenty-five cents a month just to give the men a sense of ownership.

Q. These dues defray the expenses of the association?—A. No, sir; the companies make a contribution to the work. That is one of the basis of our operation—that the company furnish the secretary's salary toward the running expenses.

Q. The companies in this case furnished the buildings also?—A. The buildings and equipment. Of course, it has been added to from time to time, but the additions would never have been possible without the subscription of the companies to this work.

Q. In this work did you have occasion to meet and mingle with the men and know them well?—A. Yes, sir.

Q. What were the relations of the miners and the companies?—A. I didn't see anything of the kind, but some of them would tell me when they were talking about their work that the only thing they could do before that was to sit around and cuss the company. I said, "That may be fine for you, but what about the other fellow?" They said they had to have something to talk about, but they had no kick coming. I could see that their relations were very pleasant and I heard no serious complaints, except that they had no place to go to and have a good time. When they came out of the mines there was

no place to go. I saw old men play marbles with boys on the streets. I thought that was rather hard lines. Certainly there is no harm in playing marbles.

Q. The association tried and met that need?—A. Yes, sir.

Q. During the three years there what can you say of the operators' relations with the men there?—A. There was a much better spirit there. There was a chance to mingle with the companies' officials. Mr. Cabell came down there and entered into the thing with the men and enjoyed it. They came to know each other better and found they were the same flesh and blood after all. Mr. Cabell used to go into their races, etc., on the Fourth of July. He took a genuine interest in the men.

Q. Did you know Anderson, Slater, Mayfield, and Hines?—A. I do not remember Hines. I remember the others.

Q. What of those men, as you saw them; what kind of men were they?—A. I thought they were all right. They always treated me the way a gentleman should. I never saw them treat anybody else in any other way. They used to mix with the miners and duck each other there in the swimming pool and bowled with the men. I could never see any animosity between the men and the guards.

Q. Their relations seemed to be pleasant?—A. Yes, sir.

Q. Has your work taken you through other coal fields?—A. Yes, sir; some in Ohio and Pennsylvania, but not very much except in this State.

Q. What can you say as to the houses and living conditions on Cabin Creek as compared with the houses and living conditions generally in the other fields that you have visited?—A. I think they compare very favorably. The houses are not as expensively built as those in the Pennsylvania field.

Q. What have you to say of comparison of the houses on Cabin Creek, in regard to sanitation, compared with Pennsylvania and Ohio?—A. They compare very favorably.

Q. You stated that some of the houses were not as expensively built as they are in the Pennsylvania field.—A. In the Pennsylvania field a good many of the houses are built with hardwood floors and painted up with a more up-to-date color. The houses cost more and the rent is higher.

Q. So far as the comfort is concerned, is it about the same?—A. There are no houses more comfortable than here.

Q. What about the sanitary conditions surrounding the Cabin Creek field and the Pennsylvania and Ohio fields?—A. They compare favorably. The health talks they give the people here have taught them more about taking care of themselves and being careful about the water they drink. I think they have pretty nearly cut out typhoid. It was pretty hard to get some of the miners to use water only in pure wells. There were some springs that were contaminated, and some of the men would fight rather than leave off taking water that was contaminated. I heard of one spring which had disease germs in it, and they nailed it up and the miners broke it out again. Then the company filled it up with concrete and the grievance committee came to the office and wanted that spring opened. It was explained to them that the spring was contaminated and they had to give it up.

Q. What experience, if any, did you have in regard to store prices on Cabin Creek as compared with the store prices in Charleston?—

A. I don't think there was any difference. I used to buy my meat there and bring it here, because it was cheaper there. I used to buy things at the store there, and the prices were the same. Some things might be higher there than they were here and some lower. I don't think there was any great difference. I know meat was lower, because I got prices at both places and always bought my meat there.

By Mr. HOUSTON:

Q. You said you are the secretary of the mining department of the Y. M. C. A. What is the object of that department?—A. It does welfare work among the miners.

Q. Exclusively among the miners?—A. We also have them in the metal mines.

Q. You have your office in Pittsburgh?—A. My office is in Pittsburgh, but the principal office is in New York. I am simply one of the secretaries of the industrial department.

Q. Are you a minister?—A. No, sir.

Q. What year did you say you were on Cabin Creek?—A. I went there first in May, 1909.

Q. How long did you remain there?—A. I was there a good part of the time up to September of that year, and since then I have been back up and down there, probably for a week at a time, two or three times a year.

Q. How did you come to make an entry into that field; were you requested or did you go of your own initiative?—A. There was a survey made of the State of Ohio and here of the most likely places for the starting of the work of this sort. It was a new venture in the coal-mining field, and they made a survey of the whole field to see what the best place might be to demonstrate this work and see what the association could do for the miners. Those operators up there were most ready to try the experiment.

Q. What other elements entered into your selection of that place above all other places in West Virginia?—A. That was the only place that was the most ready and willing to take it up.

Q. Did you hear anything about the conditions being worse there than elsewhere; did that cause you to take it into consideration?—A. No; that had nothing to do with it.

Q. Speaking about the educational work you do, do you distribute literature and books among the miners?—A. No; half of them could not read. We have a library there and many of them have come to learn to read.

Q. What character of books did you select for that library?—A. General literature; five or six hundred books.

Q. Do you have any magazines?—A. All the popular magazines, or a good many of them. The miners themselves buy a large number of magazines. They read them a great deal where some of them did not read at all.

Q. Do you furnish them any technical magazines?—A. Yes; on mining. They have one or two coal-mining magazines, and they have the Scientific American, which comes there regularly.

Q. Have you ever had the United Mine Workers Journal on that list?—A. I don't think so.

Q. Have you ever had a journal of any trade union or that taught the methods of trade unions?—A. No, sir.

Q. Did you ever have any work in the library on economics?—A. No; nor on Hebrew, either.

Q. Did you ever make an attempt to teach them the elements of economics?—A. Of course not.

Q. What was the nature of the educational work you did; was it entirely along spiritual lines?—A. We do not interfere with them spiritually. Some of the better miners who wanted to become bosses or mine foremen wanted to get some instructions and we gave that instruction. We had a correspondence school course and we tried to teach them there, which was done by one of the engineers. In other classes we tried to teach them English. We did not have force enough to do all the work we wanted to do. One of the aims of the association is to teach the foreigner the English language and give him an American basis of seeing things. There were very few men there that would read a book on economics with any more intelligence than they would Hebrew. The men were put in different classes, according to the amount of education they had had.

Q. Do you know what percentage of these miners were entirely illiterate?—A. More than half of them would refuse to write out their application. They would say, "I can't do that and you do it for me." They could not or were not willing to write. Some would say, "My writing is so poor you could not read it."

Q. Do you know any other language besides English?—A. German and French.

Q. About what percentage of these men were unable to read or write in any language at all?—A. I am not prepared to say. Those who could not speak or understand English did not come there very much.

Q. What effort did your association make to furnish reading matter of any description to those miners who spoke foreign languages?—A. We did not make any, because they would not come there to the building. The foreigner is suspicious of anything of the kind. We never made a try to get a class in English. They lived a good ways up the field and it was a long way to come. Our plan was to send a man in there to teach the language. We believe it is far better to teach the foreigner English in this country rather than to cater to him in his own language. You can see that around the mines it is better for him to understand English than it is for the foreigner to look out for danger in 17 or 18 languages.

Q. Aside from this opportunity they have to acquire the elements of the English language, they have had no system or method by which they could acquire any education, other than by bringing in literature of their own language?—A. No.

Q. There were practically no educational facilities?—A. Yes; they could learn English. They also used to enjoy the health talks and the pictures.

Q. From your observation, don't you believe that the conditions in which the average miner is compelled to live, not only in West Virginia, but Pennsylvania and Ohio, is far below that in which a man ought to live?—A. No; I don't think so. Some of them prefer to live in a condition not very far above that. It is not because they are compelled to.

Q. Do you think that the average miner, his home, his social surroundings, and his social life is about what it ought to be in this period of the twentieth century?—A. No; I don't think it is. I do not think conditions are ideal.

Q. Do you believe it is possible for a miner, living in the surroundings in which he lives, to live what I may term a decent human life on \$47.50 a month?—A. He don't have to live on that a month if he don't want to. I have had many a man come to me and tell me that after his store bill and rent was paid he had a hundred and some dollars left. I asked him if he did not have to work pretty hard to get that, and he told me not very.

Q. We are dealing with averages?—A. For the lack of anything else we have to deal with averages, but I am speaking about specific cases.

Q. Does not your association aim to create a far higher condition for the men to live in than that you witness in the mines?—A. Yes, sir.

Q. It is a condition in which men in our station of life would not care to live?—A. I don't know. I have enjoyed living up there, myself. They are a mighty good set of fellows.

Q. You would not hesitate to change your position now for that of the miner on Cabin Creek?—A. So far as money is concerned I would not. Some are earning more money than I could. They don't all do it. In a great many places a miner won't work more than four days a week. That is one of the peculiarities that I have not been able to fathom. I know of one large operation where the manager said 30 per cent were idle all the time because they would not work any more than that time. I have talked to the men and asked them why they didn't want to work any more. They would say, with a little profanity, "What is the use of my working more when I can keep myself and family by working three or four days? What is the use of working any more?" I don't think that is general, but there are a good many cases of that sort.

Q. From your observation, do you believe the miners, as a class, are more prone to loaf than the other classes?—A. I do. I think it is possible that it is on account of the physical condition under which they work. It is hard work. It is paid better than any other work that requires so little time to learn. The miner does not have to know anything about the science of mining. A man could learn in six months all that is necessary to get out coal and get it out safely. It takes him, as Dr. Schultz says, two years to get careless, and then comes the accidents.

Q. It is your opinion that the principal reason for the miner being inclined to work so little is due to the conditions under which he works, more than just natural laziness?—A. I think it is because he does not have to and is not going to.

Q. It is natural laziness?—A. I would not call it that because he works very hard indeed sometimes.

Q. Do you think it is a natural aversion to hard work or to the condition under which he lives?—A. I don't think it is that. They don't talk much about that. There are people here in Charleston who will talk about the oppressive conditions of their police department.

Q. If they live there so satisfactorily how do you account for this practice of cussing the company during their idle moments?—A. They felt there should be something there for their spare time. They felt it was up to the company to provide something of this kind. They felt a great debt to the company for making this possible.

Q. Did the foreigner who was unable to speak English feel indebted to the company for that place?—A. There were very few foreigners there. They have a little colony about two or three miles away. Most of the membership of the association lived within a mile and a half of the building. It is hardly fair to base any conclusions on the work among the foreigners.

Q. Have you ever given any attention to unionism by the working classes?—A. Not especially.

Q. Have you ever studied the relative conditions under which the union and nonunion men work?—A. I have seen them here. I think practically the worst houses you have and the worst conditions are right up here on the Kanawha River, in the union field, but I think it is more an inheritance than it is an intention. From Harewood to Boomer are the worst conditions. The union does not show any improvement in conditions more than any other field.

Q. You have had experience throughout the Pennsylvania field?—A. I have been in some few places there.

Q. Have you ever come in contact in other States than West Virginia with private detectives known as guards in the mining sections?—A. No, sir.

Q. You have never had any experience with this class of men?—A. Only what I have had here.

Q. Have you ever had experience with private detectives anywhere, as a class?—A. No.

Q. You never had occasion to observe them?—A. Only here.

Q. Were you, at the time you were here, aware of the fact that the prevalence of the guard system had become so obnoxious and oppressive that the governor of the State considered it necessary to send a special message to the legislature condemning their practice?—A. No; in my meeting with the miners there I never heard anything about the condemnation of the guards among the men, except a few of those men that could object to any kind of policemen. You will find men here in town who will object to the policemen. It is entirely natural, you know. New York State has some policemen, and it is not quite safe to go there. I never ran up against that kind, so I can not say.

Q. Do you mean to subscribe to the opinion expressed by our chief mining inspector that about one-fourth of the miners in the State are naturally criminals?—A. I think sociologists tell us that two-thirds of the human race are criminals.

Q. To what sociologists do you refer?—A. The alienists that write for the newspapers. They say the fear of being caught is what prevents men from being criminals, and fear only.

Q. Are you familiar with the opinions that have been expressed by the Italian criminologists?—A. Not especially. I can only call to mind Lombroso.

Q. Do you recall that the Italian criminologists say that crimes are due principally to social and economic conditions that drive men to violate a law?—A. I have forgotten it if I read it.

**TESTIMONY OF VAN VANDALL REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

Van Vandall, being first duly sworn, testified as follows:

By Mr. COUCH:

Q. What is your occupation?—A. Railroader.

Q. For what company do you work?—A. K. & M.

Q. What position?—A. Conductor and brakeman, both.

Q. What position were you occupying at the time the evictions took place on Paint Creek?—A. Conductor.

Q. For the K. & M. R. R.?—A. Yes, sir.

Q. You may state to the commission if you saw a large body of armed men about the time that shooting took place; if so, where and all about it.—A. I don't remember the date. There was about 75 to 100 men came from Smithers to Hughes Creek about 11 or 12 o'clock in the night and got off the train at Hughes Creek.

Q. Where did they get on the train?—A. At Smithers.

Q. Did any of them have any conversation with you before they got on the train?—A. None, except one man.

Q. What did he tell you?—A. He told me they were going to ride to Hughes Creek.

Q. Did he ask you to take him or say he was going to ride?—A. He said he was going to ride.

Q. Did the rest of them have any guns?—A. The principal part of them did.

Q. How many were there?—A. Seventy-five to one hundred.

Q. Do you know that man's name?—A. Yes, sir.

Q. What was his name?—A. George Johnson.

Q. Did he have any conversation with the engineer on that occasion?—A. I couldn't say, but I think he did.

Mr. HOUSTON. Is this pertinent to the point being inquired into by the commission?

Mr. KNIGHT. It is extremely pertinent to show that armed miners from Smithers Creek just before the shooting at Paint Creek came right opposite Paint Creek.

The CHAIRMAN. The question has been raised as to who did the shooting. It has been claimed by some that it was done by mine guards, and some claim it was done by miners. If we could get the information, it would be important.

Q. Were these men miners?—A. Yes, sir.

Q. You were running a freight train?—A. Yes, sir.

Q. Where did the men ride?—A. On the coal cars.

Q. How far is it from Smithers to Hugheston?—A. Six miles.

Q. Hugheston is right across from Pratt?—A. Yes; from Paint Creek Junction.

Q. Were these men waiting at Smithers Creek when your train pulled in there?—A. Yes, sir; there was any amount of them when I got out of the hollow.

Q. When you came out of the hollow the men were waiting?—A. Yes, sir; any amount of them.

Q. And Johnson told you that crowd was going to take your train to Hugheston?—A. Yes, sir.

Q. Do you know what became of them?—A. No, sir.

Q. Do you know when that was, with reference to the big shooting on Paint Creek; was it the night before?—A. I would not say. A shooting occurred the following day, but I don't know which shooting it was.

Q. There was a shooting occurred on Paint Creek the following day?—A. Yes, sir.

By the COMMISSION:

Q. Do you know the names of any of the other parties?—A. No, sir.

Q. What kind of arms were they carrying?—A. I took some of them to be those Springfields.

Q. George Johnson was the only man you recognized?—A. Yes, sir.

Q. Where does he live?—A. He don't live anywhere now; he is dead.

Q. He formerly lived at Montgomery?—A. Yes, sir.

By Mr. HOUSTON:

Q. This was that night?—A. Yes, sir.

Q. Did you examine any of the guns?—A. No, sir.

Q. How do you know they were Springfields?—A. Just by looking at them.

Q. You gazed at them?—A. Yes, sir.

Q. You could not identify anybody else?—A. No, sir.

Q. You don't know if they were miners or Baldwin detectives?—A. No, sir; I took it for granted they were miners.

Q. Did you see in the newspapers that a body of Baldwins, about 41 of them, came down and went to Fayette County?—A. Yes, sir.

Q. Do you know if they were Baldwins or miners?—A. No, sir.

By Mr. COUCH:

Q. Were some of these men foreigners?—A. Yes, sir; I heard some of them that were foreigners in a bunch talking.

By the COMMISSION:

Q. What do you mean by foreigners?—A. Foreign nationalities; they did not talk our language. It may have been American people talking that way for all I know.

By Mr. HOUSTON:

Q. How long have you been employed on that road?—A. About six and one-half years.

Q. You have had an opportunity, have you not, during that period to observe the conduct of the miners through that section?—A. Yes, sir.

Q. You know about the general class of people they are?—A. Yes, sir.

Q. From your observation are they peaceable and law-abiding or inclined to be lawless?—A. All except the time this trouble came in they have been law-abiding citizens, so far as I know.

**TESTIMONY OF JOHN C. GILMORE, REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

John C. Gilmore, being first duly sworn, testified as follows:

By Mr. KNIGHT:

Q. Where do you live and what is your occupation?—A. Coal operator at Hugheston.

Q. You are manager for the Hughes Creek Colliery Co. at Hugheston?—A. Yes, sir.

Q. How long have you been general manager of that company?—A. Since the 1st day of April.

Q. That covers the time of the Paint and Cabin Creeks strikes?—A. Yes, sir.

Q. What about the ownership of the Springfield rifles, particularly among the men in your vicinity; do you know anything of them?—A. I don't know what per cent of them, but a good many of them had Springfields.

Q. A great many of the miners employed by you?—A. A good many of them. I have seen them go back and forth with guns.

Q. Do you know C. C. Griffith, the vice president of the United Mine Workers of district 17?—A. Yes, sir.

Q. Do you know if he had a gun?—A. I saw him get off the train with one.

Q. He does not live on your property?—A. No, sir.

Q. Where does he live?—A. In one of the Huntington houses.

Q. Are there several guns in that settlement?—A. Yes, sir.

Q. Your place is right opposite Pratt?—A. Almost exactly opposite.

Q. And they say the north side of the Kanawha River to the south that is used by the people going up the creek is right there?—A. About 200 below our tippie.

Q. Have you seen any armed men go from the side of the river to Paint Creek, and particularly with reference to the shooting at Paint Creek?—A. I saw men coming back.

Q. Was that after the big shooting?—A. It was when the Baldwin man was killed.

Q. How many did you see coming back that day?—A. I don't know; 75 or 100 at different times. A bunch would come across and go on up with their guns on their shoulders.

Q. Was that the day of the shooting?—A. The day following.

Q. You saw in all 75 or 100?—A. About that; they were coming and going all day long.

Q. Did you know the character of the guns they carried?—A. The most of them seemed to be Army rifles.

Q. The old Springfield rifles?—A. Yes.

Q. During this strike trouble did you see anything of men going down from up the river at other times and going over the river?—A. I saw them all the time up to the time that martial law was declared.

Q. In how large groups would you see them?—A. I think the biggest bunch was seven or eight that went across at any one time. That was the biggest; there two and three and four.

Q. You are familiar with Cabin Creek, are you not?—A. Yes, sir; I spent about 10 years there.

Q. You know the character of the houses, etc.?—A. Yes, sir.

Q. How do the houses and their surroundings and living conditions on Cabin Creek compare with the living conditions on the union side?—A. I suppose they would compare favorably with those on this side, but the hills are closer together and the houses would compare favorably otherwise.

Q. How about sanitary conditions?—A. One is just as good as the other.

By Mr. HOUSTON:

Q. Were you an operator when you lived on Cabin Creek?—A. Yes, sir; part of the time. The last two years I lived there I wasn't.

Q. Have you ever worked as a practical miner?—A. Yes; for about 15 or 16 years.

Q. During your experience on Cabin Creek did you ever notice the miners have any guns?—A. No; only their shotguns.

Q. Did not nearly all the men keep shotguns up there?—A. Yes; some of them had guns for squirrel shooting.

Q. That had always been a practice?—A. Yes, sir.

Q. So when the men were carrying guns on this occasion it was not an exception?—A. Yes; it was a different caliber of guns, and they were crossing where there was trouble and they were not hunters at all.

Q. What, in your opinion, caused the trouble on Paint Creek?—A. The trouble was caused from not signing up the agreement.

Q. In your opinion, did not the keeping of guards in there have something to do with bringing on this trouble?—A. I suppose it might have, because they might have antagonized them.

Q. You have been aware that this maintaining of guards has been a disturbing element on Cabin Creek?—A. No; there was a time when there was no trouble.

Q. How about up to April, 1907?—A. From 1904 to 1908 I was on Cabin Creek, and we had some guards there that had been there for the last two years.

Q. Were you acquainted with the conditions prevailing at that time that caused the governor to send a special message to the legislature denouncing the system in 1907?—A. I must have been aware of the conditions, because I was on the creek. I don't remember any trouble.

Q. You saw Mr. Griffith with a gun?—A. Yes, sir.

Q. You are positive about it?—A. Yes; I rode up on the train with him.

Q. Was it not a fish pole?—A. No; we don't fish much on Hughes Creek.

Q. You don't know if it was a shotgun or a rifle?—A. The way it was wrapped up it looked like a rifle. It was too long for a shotgun.

Q. You have never had any occasion to maintain private guards on the property you are now managing?—A. For three or four weeks we have had to keep them three or four days in the week. That was in April and May. I don't know that I had any occasion for that, because there was no trouble.

Q. Is the company you are manager for working under a contract with the United Mine Workers?—A. Yes, sir.

Q. Tell the commission why the nonunion operators find it necessary to maintain a private guard system and the union operators do not maintain private guards, as has been testified to before this commission?—A. That would be a question for them to answer.

Q. You have had experience in both fields where guards prevail or do not prevail. Could you give us an explanation why one has to have guards and one does not?—A. The union field is antagonistic to the other and they want them to keep them from destroying the property.

Q. You mean the conditions forced on the nonunion miners are such they must have guards there to prevent depredations, where in the union fields they are not?—A. The conditions forced on the union operators are such that they can not help themselves and the other fellows can.

TESTIMONY OF S. H. MONTGOMERY REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

S. H. Montgomery, being duly sworn, testified as follows:

By Mr. KNIGHT:

Q. Where do you live?—A. Montgomery.

Q. Have you been in the coal business for a good many years?—A. Yes, sir.

Q. You are familiar with the kind of house that is commonly built around the mining regions?—A. Yes, sir.

Q. It is in evidence here what rental is usually gotten for the miners' tenements on Cabin Creek and Paint Creek and perhaps elsewhere. State at what prices per room per month a house similar to a miners' tenement rents for in the town of Montgomery?—A. About the same class of house in Montgomery that we rent around our mines for \$1.50 per month would rent for \$2 per room per month in Montgomery. For about \$2 or \$3, depending on the location.

Q. \$2 or \$3 per month per room?—A. Yes, sir.

Q. And the range of the prices is governed by the location and the conveniences with respect to being on one side of town or the other?—A. Yes, sir.

By Mr. BELCHER:

Q. In other words, the rent of houses in the towns or cities is much greater than in the ordinary mining districts?—A. Yes, sir.

Q. And the same house you would get \$2 per month per room for in Montgomery you would get \$4 per room for in that same town. It would all depend on the location of the property?—A. Yes, sir.

TESTIMONY OF STEELE A. HAWKINS REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Steele A. Hawkins, being called as a witness, and first duly sworn, testified as follows:

By Mr. KNIGHT:

Q. Where do you live and what is your occupation?—A. In Charleston; I am a real estate agent.

Q. How long have you been a real estate agent?—A. Eighteen years.

Q. You sell and rent property in and about the city of Charleston?—A. Yes.

Q. Before that you were a painter?—A. Yes.

Q. You are familiar with the type of houses occupied by the miners?—A. I am not as familiar as I was some 20 years ago, because I have not been among them as much as I was then.

Q. Take the type of house, the 3, 4, and 5 room house, ceiled inside or plastered, and weatherboarded, such as the usual type of houses one sees around this town and suburbs which they rent to laboring people and wage earners; you are familiar with those houses?—A. Yes, sir.

Q. What does such a house rent for in and around this town per room per month?—A. These houses are occupied by men who earn \$1.50 to \$3 a day. We have some on Holly Hunt, in the working district adjacent to the Kelley ax factory. A house that costs about \$425 to \$450 would be a 4-room house that is built up and down, Jenny Lind style, and with convas inside and not ceiled, only weatherboarded, with rough boarding, not tongued and grooved; a 4-room house of that kind rents for from \$8 to \$10 a month.

Q. Is the Holly Hunt addition adjacent to the Kelley ax factory?—A. Yes, sir. A 5-room house would rent for \$12 a month, built the same way. There is gas there now, but there was not a year or so ago. Some of them use grates yet.

Q. The putting in of gas has made no change in the rental?—A. Not a bit.

Q. What do you get for similar houses in other parts of town?—A. On Virginia Street, next to the courthouse, just below there, we get for a 4-room house \$12 a month. The houses there are at least 35 years old. For a 3-room house we get from \$8 to \$8.50 a month.

Q. Those are 3-room houses on an alley near the courthouse?—A. Yes, sir.

Q. These are occupied by men earning from \$1.25 to \$3.50 a day?—A. Yes, sir.

By Mr. BELCHER:

Q. You do not know what that same character of house would rent for 15 miles from Charleston?—A. No, sir.

Q. You don't mean to say that they would be worth as much 10 or 15 miles out in the country as they would in Charleston?—A. I don't know what they would rent for that far away. In St. Albans they rent as high as they would here.

Q. As a matter of fact, outside of the city of Charleston and St. Albans, you are not familiar with the prices of rental value 10 or 15 miles outside?—A. No; only where somebody owns a piece of property and speaks about it in my presence.

Q. Do you know of any such places in the Kanawha district in the country?—A. I have understood in Malden where I know people living up there.

Q. Up there they do not depend on the mines for a vocation?—A. I don't know about that.

Q. You don't know the rental value of property in the mining towns?—A. No, sir.

**TESTIMONY OF ERNEST GAUJOT REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

Ernest Gaujot, being first duly sworn, testified as follows:

By Judge SANDERS:

Q. Where do you live?—I have been making my residence for the past two years or two and one-half years in Mercer County, W. Va.

Q. Did you ever work for the Baldwin-Felts Detective Agency?—A. I did.

Q. Have you been in the service of this agency during the present strike on Cabin and Paint Creeks?—A. I have.

Q. On which creek?—A. Paint Creek.

Q. You were not engaged in their service on Cabin Creek?—A. I was not.

Q. Without going into details, there have been a number of persons who testified before the commission that you made various assaults on them. State to the commission whether or not during your service on Paint Creek you ever made any assaults upon any person whatsoever.—A. I did not.

Q. It has also been shown, as I recollect it, that you cursed and abused certain persons while in the service of the Baldwin-Felts Agency on Paint Creek. What have you to say about that?—A. I did not.

Q. What have you to say about drawing a pistol or revolver on any of those parties there?—A. I did not.

Q. Are you now in the service of the Baldwin-Felts Agency?—A. I am not.

Q. What are you doing?—A. I am not doing anything at present.

Q. On the morning after Stringer was killed at Holly Grove it has been stated that you, and I believe 13 other of the Baldwin guards, took 22 miners down at Holly Grove and brought them to Mucklow and they were detained there until 2 o'clock the next day. Make a statement relative to that.—A. The night that Stringer was killed Hale and I went down to bring his body up. The next day I got 12 men to go and get his body. They shot into us as we went down. These people said they had nothing to do with it and they volunteered to go with us. One man had a pistol on him. I was going to turn them loose when Gen. Elliott said not to do it, but to hold them for the squire until we had a trial.

Q. It was under his advice that you held them until you got the justice of the peace?—A. Yes, sir.

Q. When was that?—A. One o'clock.

Q. When did he release them?—A. He released them the next day at 1 o'clock. He released everybody but the man with the pistol.

Q. You say that you went down there where Stringer's body was and that some shots were fired on you?—A. Yes.

Q. How many shots were fired?—A. Just before we got there they fired 50 or 60. We got the body and they opened up on us again and we had to get off the hand car because they hit the hand car and a splinter from the car went into Stringer's body and hit him in the arm. We had to run the car off and go to the store.

Q. Who fired those shots?—A. I could not say.

Q. Where did they come from?—A. From the mountain side.

Q. What condition was Stringer in when you found him?—A. He was all beat up and was robbed and his pistol was taken away from him and his watch was gone and his privates were hanging out.

Q. Were his clothes opened up?—A. Yes, sir; he was laying on his back.

Q. Where were you on the morning the shooting took place at Mucklow and the Italian was killed?—A. At Mucklow.

Q. Did you go there that morning?—A. I did.

Q. About what time?—A. About 5 o'clock.

Q. Were you there when the Italians were arrested?—A. Yes, sir.

Q. Do you know Mrs. Tony Sevilla?—A. Yes, sir.

Q. She states here that she was assaulted and severely injured at that time. State what you know about this.—A. She came out and she looked like she was pregnant. I told the boys not to go in there. She said "You bigga man. You, you got bigga belly, too." The boys did not bother her at all.

Q. Did you see her afterwards?—A. The next morning.

Q. What was her condition?—A. Good.

Q. Was she complaining any?—A. No, sir.

Q. Did you see her after that?—A. Several times.

Q. On what terms was Mrs. Sevilla with the guards on the next morning after that?—A. She seemed to be all right.

Q. Were you there at her house?—A. I was.

Q. State what occurred?—A. Belk and Payne was with me and the Italians came in about that time. They went to another room and they came back in.

Q. Did they bring out some whisky?—A. Yes.

Q. Did they give you a drink?—A. I took a drink.

Q. Was she friendly or unfriendly?—A. Very friendly.

Q. She made no complaint at that time about anything being wrong with her or about you having injured her?—A. No, sir.

Q. What are the rules of the Baldwin-Felts Detective Agency about drinking?—A. They discharge a man for it.

Q. You knew that you were violating the rules at that time?—A. Yes, sir.

Q. Were you reported?—A. I was.

Q. What was the result of the report?—A. I got a very severe call down. Mr. Walter Belk reported me.

Q. Who are you working for now?—A. I am working for no one.

By the COMMISSION:

Q. At what hour in the morning did you finally get the body of Mr. Stringer?—A. We got to his body, as well as I can judge, about 5 o'clock; perhaps a little earlier or later. We first got there about 11 o'clock that night and had to run for it.

Q. That was on the 25th of July?—A. Yes, sir; I think so.

Q. When did this crowd of 22 go up with you people?—A. After Mr. Hale found him they went back in the morning.

Q. You got him at 5 o'clock in the morning?—A. Yes, sir.

Q. When did the car go up with you?—A. The next morning.

Q. At what hour?—A. I sent them to find Phaupp's hat. I sent a couple of men to find Phaupp. We got to Mucklow about half past 6.

Q. With these 22 men?—A. Yes, sir.

Q. Then went voluntarily?—A. Yes, sir.

Q. How far was the place they lived from Mucklow?—A. I should judge Holly Grove is about 2 miles or 2½ miles from Mucklow.

Q. This crowd of 22 stayed there all night?—A. Yes, sir; they stayed until the squire came.

Q. They stayed voluntarily?—A. After Maj. Elliott told me to hold them, I held them.

Q. When did he tell you to hold them?—A. When he was there.

Q. The same day you took them?—A. Yes, sir; we held them one night.

Q. How did you keep them, in the box car that night?—A. We had no place for them to sleep. He told me to hold them until I could get the squire.

Q. He told you that in person?—A. Yes, sir; in person.

Q. They all slept that night in the box car?—A. Yes, sir.

Q. What did you give them to eat?—A. They shot the clubhouse up and run the cook off. I got something for them to eat at the store. I gave the mother of the boy that had the pistol \$1 and Hale gave them a dollar. Bacon and canned stuff and coffee just as we had.

Q. How did you provide sleeping conditions for them?—A. We had no place for them to sleep. We hardly had any place for ourselves. We gave them cigars and cigarettes. None of them kicked. We took care of them as best we could.

Q. What time did the justice come the next day?—A. About 1 or half past 1.

Q. They were released within an hour after the justice came?—A. Yes.

Q. Was the weather warm or cold?—A. Warm.

By Mr. Houston:

Q. Did the squire instruct you to release them?—A. We had a preliminary hearing, and he instructed me to release them, and I released them.

Q. Did Gen. Elliott appear to be acting under legal authority?—A. He had the soldiers stationed off, and we could not go through his camp without permission.

By the COMMISSION:

Q. What time did these 22 men get up there close to this machine gun?—A. About 6.30.

Q. When did the general get there?—A. He got there that evening on the special train.

Q. How many hours did you hold them before Gen. Elliott got there?—A. I guess it was four or five hours before he got there; perhaps six or eight.

Q. Were you in the employment of the Baldwin-Felts Detective Agency at the time you conducted those 22 men up there?—A. I was.

Q. What were the reasons you were discharged, or were you discharged, by the Baldwin-Felts Detective Agency?—A. I was in Clay County, and Mr. Felts wrote me that as martial law was declared he would have to cut me off. I went to work with the New River Coal & Coke Co., and I got there with them the first of the month.

By Mr. Houston:

Q. You carry a revolver?—A. Yes, sir.

Q. Do you have a license?—A. I do.

Q. Who issued the license?—A. Judge Herndon, of Mercer County.

Q. Have you that license now?—A. I have.

Q. Would you object to showing it to the commission?—A. I would not.

The CHAIRMAN. There is no doubt in your mind that all of these 22 men went up there of their own accord?

A. No, sir; only the one with the pistol. We took him along.

By Mr. HOUSTON:

Q. Has Judge Herndon ever acted with the Baldwin-Felts Detective Agency as counsel?—A. Not that I know of.

Q. Was it not a part of your duties on Paint Creek to keep out the organizers from Paint Creek?—A. I never was instructed as to that.

Q. As a matter of fact, you and the other guards did keep them out as far as you could?—A. They paraded up and down the track with guns until the morning of the first shooting. We kept them out to protect ourselves.

Q. I mean in the days gone by. Didn't you attempt to keep them out?—A. I was not there then.

Judge SANDERS. It is agreed to by counsel on both sides that one of the purposes of the guards on Paint Creek and Cabin Creek was to stop the organization of the union.

TESTIMONY OF Z. H. TROWBRIDGE, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Z. H. Trowbridge, being first duly sworn, testified as follows:

By Judge SANDERS:

Q. Where do you live?—A. I am a resident of Kanawha County.

Q. What office, if any, do you hold in Kanawha County?—A. I am a deputy sheriff.

Q. How long have you been a deputy?—A. For 17 years, except for a short time while Melton was in the office. I have been with Mr. Smith since he was elected.

Q. Are you a tax-collecting deputy?—A. Yes, sir.

Q. You have no connection with the Baldwin-Felts Detective Agency?—A. No, sir.

Q. Have you been on Cabin Creek during the present strike?—A. I was up there from the 26th of August and was there about eight days. I went there on Monday and went away the following Monday.

Q. Please tell us how you happened to go there and what you went there for.—A. I was there simply as a police officer—as deputy sheriff.

Q. Did you go there under the direction of the sheriff of this county?—A. Yes, sir.

Q. Did you go there under the direction of anyone else, or at the request of anyone else?—A. I understand the governor requested the sheriff to go up there, or have a representative there. That was my instructions.

Q. What were you to do in case you needed assistance?—A. In case I could not control the situation, I was to call the State guards.

Q. Who were you to call on?—A. I was to call on Gen. Elliott and Maj. Davis. I believe Gen. Elliott was away at the time in the hospital.

Q. State if there were any evictions of the people living in the general houses of the coal companies during the week you were there, and, if so, how those evictions were made.—A. There were quite a number of evictions made during the time I was there.

Q. Was there any disorder of any kind during these evictions?—A. None whatever.

Q. Was the property of the tenants moved carefully?—A. Yes, sir.

Q. State whether or not an inventory was taken of the property at the time of its removal.—A. Yes, sir; of every piece.

Q. Did you hear any abusive language on the part of the guards toward the occupants of these houses?—A. I heard none on either side.

Q. The evictions were quietly and peaceably made?—A. Yes, sir.

Q. And the property was handled carefully?—A. Yes, sir.

By Mr. Houston:

Q. Were you up on Cabin Creek and Paint Creek very often during the last summer?—A. I have not been on Paint Creek for several years. I have been on Cabin Creek.

Q. What, in your opinion, is the cause of the difficulty up there?—A. I have not been up there often enough to form any.

Q. In your opinion, does the presence of private detectives have anything to do with it?—A. It may and it may not.

Q. In your opinion?—A. I don't know about that. I was there only eight day, and that was just prior to the declaration of martial law. I got away the day before or the same day martial law was declared. Everything was quiet when I was there.

Q. In your experience, do you know of any violation of law on the part of the miners?—A. No; I know of no violations on either side.

Q. As a rule, they have been law-abiding men?—A. I think so.

Q. Don't you believe that if the guards had been withdrawn there would have been no trouble?—A. At the time I was there I don't know about that. It is a question in my mind whether there would have been or not.

TESTIMONY OF PAUL B. GROSSCUP REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Paul B. Grosscup, being first duly sworn, testified as follows:

"We received a letter from this commission asking that we appear before you and give you information regarding wages which we pay for labor in Charleston. We run the Dunbar Natural Gas Co. and also have two small glass companies at Dunbar, the Dunbar Splint Glass Co., where we work skilled labor, and the Dunbar Art Glass Co."

By the Commission:

Q. We do not care anything about the skilled labor. We want to get the ordinary prices for unskilled labor. We were informed that you were building a railway and we wanted to make a comparison.—A. I suppose you would call the chimney blowers skilled laborers. I suppose you want the average price of the men working on the gas line. In building gas lines we have paid from \$1.50 to \$2 per day for ditching. That is for 10 hours per day. We only pay \$2 per day where it is extra hard work; in other words, where they have to work in water

or where the nature of the ground is very rough. Also where they have to contend with a great deal of rock, roots of trees, etc. The regular price, or ordinary price, for ditching is \$1.75 per day. That is where the men are living away from home and are paying their own board.

Q. You work a certain per cent that you probably pay \$2 and some that you pay \$1.50. What is the average price?—A. \$1.75 for ditching.

Q. Where is that work being performed?—A. That is being performed from Browns Creek, back of St. Albans, all along the way to Charleston. That is from Roane County down.

Q. Are you building some street railway?—A. Yes; our prices run from \$3 a day for foremen to \$1.50 for laborers.

Q. What would you say would be the average price?—A. The average price, I should say, would be \$1.75.

Q. Where is that?—A. Between Charleston and Dunbar, in the vicinity of Charleston.

By Mr. HOUSTON:

Q. As a rule, are these employees who perform this ordinary labor and receive \$1.50 and \$1.75 and \$2 a day union or nonunion men?—

A. That I could not tell you, as I have never inquired into it whether a man was union or nonunion. Some of them have been miners, and some are farmers, but they are all native American laborers.

Q. You never signed up any contract with them for union work?—A. No.

Q. A great many of the men who get \$1.50 a day are nonunion men?—A. I could not say about that, because I have never inquired.

By the COMMISSION:

Q. You have had some experience with drivers of cars and conductors?—A. No.

Q. Do you know, as a matter of fact or common knowledge, what they get?—A. My knowledge of that is very limited; therefore I could not answer very intelligently.

By Mr. KNIGHT:

Q. Do these ditchers you spoke of make straight time or do they lay off on wet days?—A. They are paid what is called straight time. They are paid when they work. If they lay off on wet days they do not get any pay for it.

Q. Do they lay off on wet days?—A. No; they do not choose to.

Q. They make practically solid time?—A. Yes; they practically make solid time.

By Mr. HOUSTON:

Q. That is pretty low wages for a man to get working in the rain.—A. As compared with what a farmer gets, 75 cents, they get \$1.75, and they pay 60 cents board, and that leaves \$1.15—75 cents for the farmer.

Q. You believe a man can live on that in the condition a man should live?—A. That depends on his habits.

Q. Do you believe that is a fair sum?—A. I believe that is a fair wage for that kind of work.

E. W. KNIGHT. I will file this notice, which I understand has been circulated pretty generally (referring to miners to stay away from mines on account of strike).

(The paper in question was then filed and marked "Exhibit Knight No. —," and made a part hereof.)

The commission then, at 11.45 o'clock a. m., adjourned to meet at 1.30 o'clock p. m., same date.

TESTIMONY OF J. R. CARY, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

J. R. Cary appeared before Capt. S. L. Walker, a member of the commission, at 5 o'clock p. m., being first duly sworn, testified as follows:

By Capt. WALKER:

Q. You are general superintendent of the C. & O. R. R.?—A. Of the West Virginia division.

Q. Will you please tell the price you pay per day for ordinary laborers?—A. We pay what we call our common laborer 15 cents an hour, 10 hours for a day's work. West of Handley we pay 15½ cents an hour.

Q. Then you pay in the New River field 15½ cents an hour and in the Kanawha fields proper, or east of Handley, 15 cents an hour?—A. We pay west of Handley 15½ cents per hour; east of Handley we pay 15 cents an hour. Then you understand that a great deal of our roundhouse and machine-shop laborers are machinists; in other words, above 15 cents and 15½ cents. It takes skilled labor. Our track layers and roundhouse porters we pay 15 and 15½ cents an hour.

TESTIMONY OF MRS. ARCH RIGGS, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Mrs. Arch Riggs, being first duly sworn, testified as follows:

By Mr. BELCHER:

Q. Where do you live?—A. I am boarding now at the Bradford Building with my daughter, on Capital Street. My home is at Decota. I came away from there the 1st day of July.

Q. How long did you live at Decota?—A. Off and on, eight years.

Q. Do you know any of the guards on Cabin Creek?—A. Yes, sir; I knew practically all of them, for I was there for seven years. I don't know the late ones.

Q. Were you acquainted or do you know of the conduct of the guards up there, prior to the strike and during the strike?—A. I know of the conduct of Mr. Anderson during the coming out of the strike in April.

Q. State to the commission in your own way what you know about that.—A. I had in April, 28 Baldwin men when they first came into the field and they had a right smart of trouble on Paint Creek and they brought in more. I had 18 or 19 staying there for three weeks, as I was boarding them. I had a private boarding house. It was at Decota on Mr. M. P. Davis's property. Then they dropped off until they had but four. Mr. Anderson was the head man. Then I

had Mayfield, and then a gentleman from Bluefield named Muller, and then Cunningham and Curry, and they stayed there up until about when I left, about the latter part of June. Mr. Anderson acted very unruly. That is why I am here. In the morning early there was a school election to elect the school trustees. I was washing my dishes on the back porch and I looked toward the schoolhouse. I noticed two of the Baldwin men went out from the schoolhouse. I noticed a man meeting them who had a straw hat on. I noticed Mr. Cunningham walked up and shook his fist under this gentleman's nose. They stopped and consulted one another a good bit. In a few minutes the man with the straw hat came up on my porch. It was Mr. Tincher. After he came in, and he was not there more than a second or two, because he was expecting to go out on the morning train, which ran in the Y and on the switch. As he went away three of these Baldwin men came to the front part of my house. One of them said, "Mrs. Riggs, who was that man?" I said, "It was Mr. Tincher." I said, "I knew him from his childhood up." They said, "What is he doing here?" I said, "I have an engineer here, who is boarding here and he is going to take the place of that engineer." He said, "Is he going to board here with you?" I said, "I don't consider that any of your business. I am running a public boarding house." I said, "Any one can board here who conducts themselves in the right manner." He stood around awhile and walked out and two more came in. One said, "He is all right," then they walked out the front door. Mr. Anderson was not at Decota when it happened. He was gone to New York to get a lot of men to work for the coal company in the mines, and when he came in at 12 o'clock on the train, I had dinner early. I had to have dinner at half-past eleven because the Baldwin men would not eat with the railroad men. They told me that after they came to the house. I had had the railroaders for some time. I had to have two tables because I was not able to hire help to run two tables in this small dining room. About half-past eleven Anderson, Cunningham, and Curry came in to dinner. They sat down and Mr. Anderson was very drunk. He didn't eat anything. He pushed his plate back and looked at me and pointed his finger at me like that [indicating] and said to me, "Mrs. Riggs;" he hallooed my name two or three times; I saw he was drinking. I said, "What is wrong?" He said, "Would you dare to let that God damned son of a bitch of a Tincher sleep in your coal house?" I said, "No; but I would give him a good bed." The railroad men were passing through the dining room and going to their rooms. He said, "The God damned strikers of sons of bitches! I would like to kill every God damned one of them!" I said, "You are at the table." He said, "If I ever catch him on the premises I will blow his brains out."

One of the railroad men shoved his plate back and put his hand back on his hip picket. He said he thought there was something bad coming. The cook ran off the porch. Nobody made any reply. He ate a bite of bread or two and went out. He still was not satisfied and came back twice in the afternoon and raised a row with me about the boys. I don't know what trouble he had with him. He said, "Is that 'Doc' Tincher going to board here with you?" I said, "He is not asking me for board." He began abusing the boy again. I

said, "What have you against this boy?" He said, "He is a God damned son of a bitch of a Socialist." Of course all my railroad men left my house. They could have got board any place in the neighborhood. They went among the miners to board, and the "super" kicked against it and ordered all these people that boarded the railroad men to move, because they were Socialists.

Along later in the evening he came back again, and the cook called me, and I said, "Mr. Anderson, I wish you would not bother me about this boy, and you don't know what you are talking about." He went away. That was on Friday. Saturday he went back to New York or some place out there to get more men for the operators to work. When he came back he came in pretty full, like he always did. He said, "I understand the railroad boys have got me up against it." I said, "I don't know anything about it. I am here to make a living. I have a husband with one leg. I have been here for eight years. I have been on Mr. Davis's property for 16 years, off and on, from Montgomery down. If Mr. Davis knows how you are carrying on he will get after you." The next morning he came in to breakfast and there were two engineers pumping water. He wanted to raise a row with the engineers, and they would not talk to him. He commenced again about the railroad boys having put him up against it. I told him, "Don't you repeat that any more in this house." They had a habit of going to the table and talking about the Socialists.

Q. Do you know of any other trouble that he got into after that?—

A. He got into trouble.

Q. You have told us all this talk. Now, what did he do?—A. He left the house.

By Judge SANDERS:

Q. What did he do that he ought not to have done? We can see that you and Mr. Anderson did not get along very well.—A. I could get along with him, but he could not get along with me.

Q. Tell us what he did.—A. I didn't follow him around to see what he did. I didn't think enough of him.

Q. Do you know of anything that he did to anyone that you can tell the commission about?—A. Once I seen him knock a Syrian peddler off the trestle. He split his own hand and had to get it tied up.

Q. When was that?—A. About the 1st of April. I saw him put a great many people on the train, and he would not allow them to stay up there. He would tell them to "highball"; that they didn't want any pictures taken, etc.

Q. What was the Syrian doing?—A. Nothing at all.

Q. He knocked him off the trestle?—A. Yes, sir; and threw his cap down in the creek. I saw him do that. He had to go over to the house and get his hand tied up. It was strictly against orders for anyone to go up in there unless they had a permit from Mr. Cabell or Mr. Davis. All the boarders I had left, or else he chased them away. If he saw them there he would chase them away. I don't do this for any grudge I have against Mr. Anderson. I tried to run my house. He knocked me out of \$100 in one month. I hadn't anything against Mr. Anderson.

Q. You are very friendly with him?—A. I would speak to him in a minute. I had nothing against him.

Q. You don't speak to him?—A. He don't speak to me.

Q. He caused you to lose considerable money?—A. I should say he did; all my boarders and considerable money, too.

Q. You say Mr. Anderson is a drinking man?—A. He drank all the time he stayed in my house.

Q. Don't you know he don't drink at all?—A. I would be afraid to swear to it. I would be afraid God would punish me heavy. When did he quit?

Q. When did he begin?—A. Ever since I knew him.

Q. Did he drink every day?—A. He would get it at the house.

Q. How much did he drink?—A. I don't know. He was always drinking. He came to my house one night as late as 2 o'clock in the morning and searched my house when he thought my husband had some whisky.

Q. He would go to New York and come to your place drunk?—A. Yes, sir; he made trips to New York and back, and then would stay with me. He didn't stay with me very long.

Q. How many times did you see him drunk?—A. Several times; he was drunk so often I didn't keep account of it.

Q. How many guards did you say you were well acquainted with?—A. Cunningham, Mayfield, Curry, Mullins, and Blake.

Q. And Mr. Hines?—A. No, sir; when he came on Cabin Creek he went to Cherokee.

Q. Mr. Slater?—A. He was on the other part of the creek.

Q. Have you told all you know that these guards did in six or seven or eight years?—A. No, sir; I know Mr. Hatfield shot a man and broke another man's nose.

Q. Mr. Hatfield did?—A. Yes, sir.

Q. It is not necessary to talk about him. Tell all you know that the guards did. Tell about something that some man living did.—A. It would be a hard matter for me to tell all that they did.

Q. You remember something that they did?—A. Of course I stayed in my house and attended to my work. I didn't follow them around. All the damage they did my house was enough. I knew that Mr. Anderson went to the Y. M. C. A. two or three times and was called down for swearing. The proprietor himself told me he called him down. Mr. Page is gone away from here now. He is gone to Panama, and he called him down two or three times.

Q. You were there?—A. Mr. Page told me.

Q. You are willing to swear to that?—A. No, sir; he told me.

Q. You are willing to swear he did that?—A. No, sir; I could not swear he did that. Mr. Page told me he called him down. I am not swearing only to what I know myself. I can swear only to what he did in my house.

Q. You have told us about Mr. Anderson hitting a Syrian and knocking him off the trestle and running him away from there. What else did he do?—A. I don't know if he did any more. I was up before the governor on the railway scrape, and they had no right to dispute my word whatever. Mr. Anderson didn't.

Q. Can you tell us of anything else that occurred during all the time that you have known these guards?—A. I don't tell anything

but the plain facts. The truth is all I came here for. I would not like to go so far as to tell you the truth on all of them.

Q. Tell us all you know.—A. Bishop—I think I have told enough.

By Mr. BELCHER:

Q. Do you know anything else other than what you have told?—A. I don't know anything else particularly, myself, except what has been told to me. I don't want to repeat that.

By Judge SANDERS:

Q. Did Mr. Anderson overtake the Syrian or go to meet him?—A. He just met him.

Q. He did not say a word to him?—A. No, sir; he was walking along with his pack on Sunday.

Q. When was that?—A. April 1; before he came to my house to board.

Q. When was it he was drinking?—A. He came to my house during the month of May.

Q. Last May?—A. Yes, sir.

Q. That was the time he was drinking?—A. Yes, sir; he would not deny that. Mr. Anderson would not deny that.

Q. How often in the month of May did you see him drunk?—A. Three times at my house; that I am sure of.

Q. Is that all?—A. He was drinking all the time. He was drinking every time he was in the house.

Q. Did you see him drunk anywhere else?—A. I think he was drinking all the time. He was drunk all the time, more or less, while he stayed with me. He was drunk all the time, more or less, while he was at my boarding house. Sometimes he was fuller than others.

Q. Do you know that?—A. Yes; I do know that. He told me so himself.

Q. He did not have to tell you?—A. He told me the boys came down and drank up all the whisky.

Q. You know a drunken man when you see one?—A. Yes, sir; I do. He did not stay at my house that night. He had his own house.

Q. Every night?—A. Not every night.

Q. What night was it?—A. I couldn't say just exactly what night. I don't remember the day and date.

Q. How long was he drunk during the month of May?—A. Three days that I know of.

By the COMMISSION:

Q. Did the other guards ever take a little drink?—A. I saw one man that was drunk once; Blake, from Fayette County. They put him to bed.

Q. He was so drunk he was put to bed?—A. Yes, sir.

Q. Anderson is rather selfish about his whisky, isn't he—considering he got it from the others?—A. No, sir; Mr. Mayfield don't drink whisky. He would chastise him about drinking.

Q. How would he chastise him?—A. He would say: "Anderson, I wish you would let whisky alone and not talk so loud and rough."

Q. Did Mr. Mayfield cause you to lose any money?—A. No, sir; the other guards didn't. Mr. Blake was drinking, but he behaved very nicely.

Q. When was it Blake was drunk?—A. He boarded with me about the middle of May.

Q. Who was there when he was drunk?—A. A lady here from Charleston named Smith, and a little girl, and the cook, and a man named Epplain, who put him to bed and left him.

Q. What is his given name?—A. I don't know that.

Q. He boarded with you?—A. Yes, sir.

Q. Did only one Epplain board with you?—A. Yes, sir.

Q. Just one?—A. Yes, sir.

Q. He put him to bed?—A. Yes, sir.

Q. Where is he now?—A. He is in eastern Virginia.

Q. Hatfield is dead?—A. Yes, sir.

Q. Who else put him to bed?—A. It was an eastern Virginian; I could not tell you about him.

Q. Was that eastern Virginian doing guard duty on Cabin Creek?—A. Yes, sir; when they got in trouble with the Socialist Party they brought this man Epplain, and Blake, and the other party to Cabin Creek and they boarded with me. They rode from my house to Wake Forest at night, and then came to my house and slept during the day. They went away and when the strike came up they brought the same two men back to my house. Mr. Epplaine is a very nice man.

Q. Where did he say his home was in Virginia?—A. I didn't hear him say. He and Mr. Blake were very good friends.

Q. How do you know he was an eastern Virginian?—A. I heard him say so at table.

Q. They were all nice, gentlemanly men except Anderson?—A. All except Mr. Anderson and Mr. Hatfield. Mr. Mayfield is a very nice man. I don't know about Mr. Slater.

Q. Mr. Anderson was in charge of these other guards?—A. Yes, sir; he was supposed to be the boss.

Q. He was a drinking man?—A. Yes, sir.

Q. And he was the boss of these sober fellows?—A. Yes, sir; Mr. Cabell was not aware of Mr. Anderson's drinking.

TESTIMONY OF G. W. HASTINGS REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

G. W. Hastings, being first duly sworn, testified as follows:

By Mr. BELCHER:

Q. Where do you live?—A. I live near Cabin Creek Junction.

Q. What is your business?—A. I am a merchant. I sell goods up there.

Q. Merchandise?—A. General merchandise.

Q. How long have you been in business at that point?—A. Seven years.

Q. Have you had occasion at your place to notice the conduct of the guards in the last few months?—A. Yes; I have seen some little misbehavior among them there.

Q. When?—A. I never kept any date, but it was somewhere along in June and July.

Q. Just before the declaration of martial law?—A. Yes, sir.

Q. Please tell the commission what you can of the men's conduct that you have seen up there.—A. At first I began to pay no attention to it. There was other men speaking a good little bit about it. They were sitting at the door and looking up at the incline. I was in the house and my little grandchild says, "Grandpa, come here." I stepped to the door and I saw two guards come over. They ran right up to those other men sitting there, drew their guns on them, and told them to throw up their hands. Squire Crawford came over and he went through all their pockets. I was raised with Squire Crawford, and I says, "What are you doing?" "Nothing," he says. It made one of the guards mad. He asked me, "What have you got to do with it?" I told him "nothing in particular." I told him I didn't interfere with any man's business. He said, "I don't want you to allow anybody to stay around your store." I asked him who it belonged to. He said, "I guess it belongs to you." I said, "I am not asking for protection." He says, "If you don't, you will have to take the consequences." He says, "We will see later on." We dropped it at that, and two or three days later a man came along who claimed to be a marine, and he got off at Coalburg. He was standing on the railroad looking at the tippie. Two of the guards came down, Mullins and Blake, and accosted him.

Q. What did they say to the fellow?—A. They said, "Get out of here, you damned son of a bitch; what are you doing here?" He said, "I ain't doing anything." They came over the fence by him and they came up to my store door and one of them says, "God damn you, didn't I tell you to go away from here and stay away"? He says, "I am in the county road and I don't think I will go." He says, "You son of a bitch, I will make you go," and he ran up to him like he would hit him, but the fellow didn't move. He went away. He asked me who these men were; if they were railroad detectives. He said, "I was just waiting for them to hit me, and I was going to tear your place down if they hit me." There was not any more trouble around my place. When they came back I told them to get out of there. Women and children were afraid to come to my store. One of them talked very reasonable about it. He said he didn't think he was doing harm. Then a little girl came in the store and she was scared to death. I told them they had to cut it out.

Q. What had these other men done in the first instance, when these other men were searching them and made them throw up their hands?—A. They hadn't done a thing in the world. They were strangers to me and to the guards.

Q. Do you know where they had come from?—A. No, sir.

Q. Had you seen any of them before?—A. No; they were strangers to me.

Q. Were they in the county road when they were made to throw up their hands?—A. Yes, sir.

Q. Did they have any warrants or papers or processes?—A. No, sir; they didn't say anything about it.

Q. When they were searched they were willing to go with them?—A. Yes, sir.

Q. Have those persons who have done guard duty on Cabin Creek and whom you have known had a good reputation?—A. I never heard of any of them having a good reputation. I only knew three of them and they were thrown out after awhile.

Q. Who were they?—A. Mullins, Blake, and White.

Q. Did they impress you as being good citizens?—A. Oh, no.

TESTIMONY OF B. R. DRESSLER REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

B. R. Dressler, being first duly sworn, testified as follows:

By Mr. BELCHER:

Q. Where do you live?—A. Cabin Creek Junction.

Q. How long have you lived there?—A. Thirty years.

Q. What do you do?—A. Miner.

Q. Did you have any trouble with the guards at Cabin Creek Junction?—A. One morning a man named Jarvis was in a fight with one of them and his watch fell out and I went to pick it up and one of them says, "Damn you, leave that alone." As I dropped it down one of them hit me with his gun and knocked me about 15 feet from the track.

Q. Which one was that?—A. There were six there that morning—Mullins and Blake and White, I knew.

Q. Do you know the name of the one that hit you?—A. No, sir.

Q. Had you said or done anything?—A. No, sir.

Q. Who started the fight?—A. Blake.

Q. Who was Jarvis?—A. He was a plumber.

Q. What had he done?—A. Nothing that I know of.

Q. Did they beat him up?—A. Yes, sir.

Q. What did they beat him with?—A. With their fists.

Q. His watch fell out of his pocket?—A. Yes, sir. It fell over toward me and one of them says, "Damn you, let that alone," and he hit me a lick on the side of the head with the butt of his gun.

Q. Was that all there was to it?—A. That was all.

Q. Did they make any explanation to you after that?—A. No, sir; White left in a day or two and Blake and Mullins left the next week and went up the creek.

Q. You hadn't been in any trouble up there, had you?—A. No, sir.

By Judge SANDERS:

Q. Who was it hit you?—A. I don't know.

Q. You know three of them—Mullins, Blake, and White?—A. Yes, sir.

Q. You don't know the other three?—A. No, sir.

Q. You don't know who hit you?—A. No, sir.

Q. When was this?—A. About the 1st of July.

Q. Where was it?—A. Cabin Creek Junction.

By the COMMISSION:

Q. What kind of a gun did he strike you with?—A. I guess it was one of those Winchesters.

Q. It was not a pistol?—A. No, sir.

**TESTIMONY OF M. L. HOUCHINS REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

M. L. Houchins, being first duly sworn, testified as follows:

By Mr. BELCHER:

Q. What is your occupation?—A. I am a C. & O. freight conductor.

Q. Where do you work?—A. Out of Cabin Creek Junction.

Q. How long have you been working there?—A. Since October 3, 1903.

Q. Have you had any trouble with the guards?—A. Not more than what they had with me.

Q. What trouble did they have with you?—A. The United Mine Workers were holding a kind of convention up there one evening and the citizens of Cheylan was going up to hear them.

Q. When was this? Give us the date as near as you can.

(The witness consulted a memorandum.)

A. I believe it was July 7. We were getting some food for the people and I went to Mr. Hastings, the man you just examined. I came on down the road and those guards there at the Lewis coal mines, at Cabin Creek Junction, held up a man in the road with a Winchester. I don't know whether they cocked their guns or not. I will tell you the expression I made. I said it was a damned, dirty, cowardly act as there were three of them. I came on down and they were sitting on the boarding-house porch and they said, "What was that you said a while ago?" I repeated it to them. Then three of them—Mullins, Blake, and White, came out there and cocked their Winchesters—three of them—in my face and told me, "God dam you; don't you put your hands in your pockets or we will blow your brains out. We are no God damned cowards." I says, "Gentlemen, you have me foul and I can't do a thing in the world—you have me foul." I was not scared of them and ain't scared of them yet. They said, "We ain't no cowards and if you put your hands in your pockets we will shoot your God damned brains out." They went on and told me, "Dont put you hands in your pockets." I says, "You fellows have me foul. I couldn't do a thing in the world." I walked on down the road.

Q. Was that all there was to it?—A. That is all. They told another fellow there to land on me.

Q. When did they tell him that?—A. These three men came out in the country road and they told this other fellow—I understand his name is Childers—to land on me. I told him to keep his hands off of me.

By Judge SANDERS:

Q. That is the day the large crowd of miners came down there?—A. That is the day they held that meeting down there.

Q. What was the purpose of that meeting?—A. I couldn't exactly tell you. I am a railroad man. I don't know anything about that kind of business. The miners were holding a mass meeting and the citizens were giving them something to eat. It was late in the evening.

Q. The purpose of that meeting was to have that mine shut down?—A. The organization of the United Mine Workers was what it was.

Q. You don't know that it was for the purpose of having the mine shut down?—A. No, sir.

Q. You heard that?—A. No, sir.

Q. Did you never hear it stated?—A. They were trying to organize the union there.

Q. They were trying to organize a union?—A. Yes, sir; as far as shutting the mine down is concerned, I don't know anything about that.

TESTIMONY OF JAMES MEYERS REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

James Meyers, being first duly sworn, testified as follows:

By Mr. BELCHER:

Q. Where do you live?—A. At Coalburg.

Q. What do you do?—A. I work for the Hamilton Gas Co.

Q. Did you have any unpleasant experience with the guards up there?—A. Yes; a little bit.

Q. Tell the commission just how it occurred.—A. One night in the first of July I was going down to Chelyan and met a bunch of those fellows working over there at Mr. Lewis's mine, and they commenced to talk to me about the conditions there were and under which they worked. In the meantime we walked down the road with those fellows. We heard some shots just before we got to the power house, and when we got there they were holding a light and looking at a telephone pole which they had been shooting through with a .32 caliber Winchester. I took a look at the pole. I didn't know what kind of a gun it was, and I asked them what kind of a gun it was. Blake stepped out with a pistol and said, "We shot it through with this." I said, "It looks like that would shoot a bigger hole." He dragged out a Winchester and three pistols, and Mullins stepped out and drew out a pistol with a 7-inch barrel and asked me how I liked the looks of that. I said, "It looks like a young cannon." He walked around behind me and said, "I am going to whip you, you damned son of a bitch." I says, "What have I done to you?" He says, "You have been agitating here." He says, "I am going to whip you anyhow." He handed one of the men his gun, and Mr. Ferguson says, "I think you are mistaken. This is not the young man you are looking for." He says, "I know the son of a bitch." Mr. Ferguson says, "This is Mr. Meyers, and O'Meara is the man you are looking for." He says, "You tell Mike O'Meara I am going to beat his head off the first time I see him." Blake says, "You haven't been agitating, then?" and I says, "I don't think I have been agitating." I said, "Those men asked me about conditions and I told them about conditions at the mines." I turned to those gentlemen and I asked them all if I had not, and they said "Yes." Mullins said, "We are going to run this mine in spite of all you sons of bitches." He says, "We are going to run it under black-leg conditions." I said, "That is up to you." I talked as easy to him as I could to get off without being knocked around any.

Q. Did they impress you as being reputable citizens?—A. They didn't seem that way. Blake seemed to be pretty drunk and he was staggering around with that Winchester in his hand.

Q. I understand that they take an oath not to use any intoxicating liquor.—A. That does not amount to anything.

By Judge SANDERS:

Q. Who kept Mullins from shooting you when he put that pistol under your nose?—A. Nobody; he didn't make any attempt to shoot me. He stuck it up under my nose and said, "How do you like the looks of that?"

(The commission then, at 4 o'clock p. m., adjourned to meet at 10 o'clock a. m., October 8, 1912.)

TESTIMONY OF R. H. ANDERSON, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

R. H. Anderson, being recalled, testified as follows:

By Judge SANDERS:

Q. You have been on the witness stand before, I believe?—A. Yes, sir.

Q. You know Mrs. Riggs, who kept the boarding house at Cabin Creek for some time?—A. Yes, sir.

Q. How long was she engaged in this business on Cabin Creek; do you know?—A. Sixty or 90 days.

Q. Did you board with her while she kept a boarding house there?—A. Yes, sir.

Q. She was on the witness stand before the commission, and she testified that you drank a good deal of whisky and were drunk nearly all the time, and that you went to New York two times and each time came back drunk. State to the commission the facts in this matter.—A. There are no facts to it, except it is not so.

Q. Were you drunk at any time you boarded with Mrs. Riggs?—A. I never was.

Q. She also referred to a railroad man by the name of Tincher and said you objected to her boarding him. I will ask you to state if she ever boarded this man and what was said about it.—A. The first I knew of it was an old colored woman told me the socialists had a frame-up and that I had some kind of a job with the Government and they would run me off the creek. I asked her what they said, and she told me not to tell on her. She then told me what I was supposed to have said. I remember distinctly what I did say. I had seen Doc Tincher on two or three different occasions, and one day I asked her if Doc Tincher was going to board with her. She said, "I don't know; he never said anything about it." I said, "I wouldn't allow that man to sleep in my coal house." She then commenced to boast that she was the first woman that ever put a pair of pants on Doc Tincher.

Q. She said you used a great deal of profanity and swearing in reference to these railroad men. I will ask you to state if that was true.—A. No, sir; it is not.

Q. She said you referred to him several times as a son of a bitch.—A. I did not do it.

Q. She also said that on one occasion a Syrian was coming down the railroad with a pack on his back and that, without speaking to him, you assaulted him and struck him.—A. I struck the Syrian, but she did not see it, and nobody else did but Mr. Mayfield. I was at least 25 feet from the trestle.

Q. She said you knocked him off the trestle?—A. I was not near the trestle.

Q. The Syrian was not near the trestle?—A. No, sir.

Q. What did you hit him with?—A. I told him on two or three occasions to stay away from up there, and when I asked him the last time he said, "You God damn son of a bitch, I will go where I please." I says, "No, you wont," and I hit him.

Q. She also said she had been informed by the superintendent of the Y. M. C. A. that you had disturbed the Y. M. C. A. meetings on different occasions.—A. That is not true. I didn't have a better friend than Page was.

Q. Did you ever disturb the Y. M. C. A. meetings at any time?—A. I should say not.

Q. Did you ever use any improper language at any meetings of the Y. M. C. A.?—A. No, sir.

Q. Were you ever called down by the secretary?—A. No, sir; I have been called over to stop such things.

Q. Were you ever reproved by him in any way?—A. No, sir.

Q. What office do you hold?—A. Deputy sheriff.

Q. Have you an office under the governor?—A. Yes, sir; special agent, C. & O.

Q. Do you still hold your appointment under the governor?—A. I do.

Q. Did Mrs. Riggs, or any witness, make a complaint before the governor referring to your drinking at any time?—A. No, sir.

Q. No statement was made with reference to that?—A. No, sir; she added that to it.

Q. What is the character of this woman?—A. Personally I don't know.

Q. By general reputation.—A. It is not very good. She is a great trouble maker and talker.

By Mr. BELCHER:

Q. Mr. Anderson, you did say to her that you would not allow this man Tincher to sleep in your coal house?—A. I certainly did.

Q. Why did you say that to her?—A. Because I meant it; I was sincere.

Q. For what reasons?—A. Several.

Q. The primary cause was by reason of the feeling existing between the guards and the railroad men, wasn't it?—A. Yes; he is the man that originated this investigation that I had before the governor. He was the man that concocted the scheme, and, in place of my threatening to shoot his brains out, he was the man that did the threatening. He boasted he would be elected sheriff and run me off Cabin Creek.

Q. That was a personal matter between you and Tincher that was very bitter?—A. I didn't care anything about him. He was beneath my notice.

Q. Was not there a bitter feeling on your part toward Tinchler?—
A. I can't say there was a bitter feeling. I have no regard for him and no use for him whatever.

Q. You say you were not drinking at any time while you were at the boarding house of Mrs. Riggs?—A. Yes, sir.

Q. None at all?—A. She saw me take two or three drinks at her house with her husband.

Q. Drinks of what?—A. Whisky toddies, but not at one time. They were at intervals of possibly a week at a time.

Q. When did you first know this woman?—A. I knew her, I guess, about seven years ago.

Q. Mr. Anderson, there is a little matter that has come to my attention that I want to ask you about. Do you know Rush Slater and did you know him when he was on Cabin Creek?—A. Yes, sir.

Q. Was he one of the guards?—A. He had charge of me when he was there.

Q. Do you know a man or boy, or did you know a boy in 1904 by the name of Walter Farley?—A. I knew the man.

Q. A young man?—A. I should say he was 22 or 23 years old.

Q. Did you know a man who was keeping store at North Carbon by the name of Wade Perry?—A. Yes, sir.

Q. I will ask you if it was not a fact that you went into that store, conducted and owned by Wade Perry, and demanded Walter Farley to come out, which he refused to do, and this man Slater went behind the counter after him, and the boy, Walter Farley, jumped out the window, and you and Rush Slater took after him?—A. Yes, sir.

Q. Do you know anything about that?—A. Yes, sir.

Q. How did it occur?—A. They waylaid me one night, Walter Farley and three other boys. It was 2 miles above Decota. When I came down the road there were two in front of me and two behind me. They were giving signs. They did not bother me. On the following day Mr. Baker, who was buyer of the Consolidated Co., told me of this affair when I went up there the next morning. I made the statement I was going to whip the whole bunch. Farley was the only one that was a man. On the following day he came down there and I called him out. I hollered to him to wait a minute. I asked him what he meant by trying to waylay me. He said he didn't do it. I said, "You are a liar and I can prove it." I knocked him down and he got up and run. He went down to Wade Perry's and told him about it. He was going to play the fiddle for a hoe-down dance. Wade told him to come on in and help him behind the counter and those sons of bitches would not bother him while he was in his store. I could not find him and then I saw him behind the counter. I said "Walter, come out here; I want to see you." He said he wouldn't do it.

Q. What did you want to do to him?—A. I wanted to have a talk with him about this waylaying business.

Q. You had knocked him down?—A. Yes; and he ran. I told him if he did not come out I was coming after him. I put my hands on the counter and he went out the window, and I went after him. He ran through two lots, over a barbed-wire fence and a rail fence, and into the open and up the hollow.

Q. Did you hear two shots fired?—A. Yes, sir; two shots.

Q. Who fired them?—I can't say.

Q. Was not Rush Slater near you?—A. Yes, sir.

Q. When you went over the counter did not Rush Slater come from behind the counter?—A. No, sir; he hadn't; I went out the window, and I don't know what he did on the inside.

Q. How far did you run this boy?—A. To the creek, and Slater came out the other way and ran out the other way.

Q. Did you have a warrant for him?—A. No, sir.

Q. Why did you do that?—A. I wanted to catch him.

Q. For what purpose?—A. I wanted to have a little talk with him.

Q. Could not you have talked to him from the other side of the counter, without going over the counter?—A. No, sir.

Q. The only reason you wanted to go over the counter was so you would be enabled to talk to him?—A. No, sir.

Q. The way you wanted to?—A. No, sir.

Q. Is it not a fact that just after that occurrence you and Rush Slater went into this man's store and you stood guard while Rush Slater beat Perry up?—A. No, sir.

Q. Do you know anything about him being beat up?—A. I rode up there on horseback, and he hit him a time or two with his hands. He hit him a lick or two with his cowhide. His brother ran out of the house with a Winchester rifle to kill us.

Q. While you were doing that to Wade Perry?—A. It all happened at practically the same time. I think it was his mother caught him and took him into the house. Mr. Perry was having dances down there, and the toughs of Cabin Creek congregated there. They got drunk and raised the devil every time they had a dance. We had notified them and asked him to cut those dances out. We had been requested to do so by Mr. Cabell. On one occasion I should say there was 150 shots fired there at one of those dances, caused by the Wake Forest gang and the South Carbon gang.

Q. He did not obey your instructions?—A. He did after that night.

Q. After Rush Slater whipped him?—A. We told him he had to tear his platform down.

Q. As a matter of fact, were you a deputy sheriff then?—A. I think not.

Q. Did you, or anyone else, go to any officer and make any complaint against Wade Perry?—A. I did not.

Q. Do you know if anybody attempted to?—A. I could not say.

Q. As a matter of fact, when you gentlemen who were known as guards would request a man to do a thing and he refused to do it you would try to force measures just as you did in this case?—A. No; we asked him a time or two.

Q. Did you know anything about Rush Slater going to whip him with a cowhide?—A. No, sir.

Q. Why did you go in there?—A. I only went in once, and I didn't go for him.

Q. Weren't you with Slater at the time this man Wade Perry, who owned the store, was whipped?—A. I can't say positively. I don't know if he was sitting inside or standing at the door. I only saw him hit him twice with a cowhide.

Q. You did go there with him, didn't you?—A. We went there together. I didn't know there was any grievance between him and Slater. We had none against him that I knew anything about.

Q. You had no grievance against Wade Perry?—A. Not a thing in the world.

Q. Didn't you tell him you had notified him to cease having those dances?—A. Yes; on several occasions we had asked him to discontinue them and cut them out.

Q. When Rush Slater was striking this man with a cowhide did you interfere and ask him not to do it?—A. No, sir.

Q. Who else was there?—A. I believe Mr. Quarrier was somewhere near and Mr. Nunnencamp.

Q. You came there on horseback, both of you?—A. Yes, sir.

Q. Is it not a fact that the officers of the company held your horses while you whipped this man?—A. No; Slater held the horses while I was after Farley.

Q. So, if any other persons held the horses you don't know anything about it?—A. No; I believe Fritz Nunnencamp did.

Q. Who was he?—A. He was running the butcher shop at Decota. The three of us went together.

Q. This man whom you admit striking with your fist—this Syrian—what had he been doing up there other than peddling goods?—A. He had been running around on private property. That is all, I guess.

Q. He was on the railroad at the time you struck him?—A. No, sir; he was off the railroad 10 feet; off the right of way.

Q. Was he in the county road?—A. No, sir; on private property.

Q. The only reason you struck him was the fact that you had told him two or three times to stay away from there?—A. No, sir.

Q. He was not bothering you until you went up to him?—A. No; he did not cross the bridge at all. He came down from the creek and up the other side.

Q. He was trying to avoid you?—A. Yes, sir.

Q. You felt he was trying to get away from you?—A. Yes; I had told him two or three times to stay away.

Q. When you saw him trying to get out of your way, you went over and intercepted him?—A. Yes; if he had gone down the road, I would not have thought of it.

Q. When he did that you thought he was afraid of you?—A. I thought he was trying to keep away from me.

Q. When you knew he saw you, you went over and accosted him?—A. Yes.

Q. What was the first thing you said to him?—A. I asked him if I hadn't asked him to stay away. He said, "Yes, you damn son of a bitch." When he called me a son of a bitch, I hit him.

Q. You had made no attempt, or no one had made any attempt, to arrest this man for trespassing on the property?—A. I didn't intend to bother him. I wanted to catch them peddling without a license. One would take out a license and a dozen would peddle on it.

Q. There was no charge of that kind in this case?—A. No; I didn't ask him for his license. If he had not cussed me, I have no idea I would have struck him. I would have told him to stay away again.

Q. Did you think that was the proper way to do?—A. To do what?

Q. To keep this man off the property up there.—A. I just notified him.

Q. By knocking him down?—A. I will hit anybody that calls me a son of a bitch.

Q. That is your idea of doing things?—A. Yes.

By the COMMISSION :

Q. What had this Syrian done?—A. He hadn't done anything, only travel back and forth on private property.

Q. What private property?—A. Coal property.

Q. Do the employees of the coal company live there?—A. Yes.

Q. Didn't he have a right to go there and sell them goods?—A. I think not.

Q. Why didn't he?—A. I will ask you, "Why did he?"

Q. Do you take the position that if the company rents me a house that a peddler has no right to come there and sell me goods?—A. He has no right to come on private property.

Q. If you rent me a house don't a peddler have a right to come to me and sell me goods?—A. That would depend on the location.

Q. Answer that question. If you rent me a house don't a peddler have a right to come and sell me goods?—A. I don't know.

Q. You do not answer that question.—A. I don't know.

Q. If you don't know, what right had you to assault this man for selling goods?—A. I told you plainly I didn't assault him for selling goods.

Q. Why did you assault him?—A. For calling me a son of a bitch.

Q. Why did you order him off?—A. That was my instructions from the coal company.

Q. Was it your instructions to prevent the people from visiting those houses, and did you regard a man visiting those houses as being a trespasser?—A. He was peddling.

Q. When a man was living there in those houses did you regard it, or were you instructed to regard such men, as trespassers if they were doing nothing more than that?—A. Yes, sir.

Q. Suppose I wanted to go up there and pay a friendly call; was I a trespasser?—A. Yes, sir.

Q. Why was he one?—A. He was peddling.

Q. Did that make him a trespasser?—A. Yes, sir.

Q. For what reason?—A. We didn't want him peddling over the property.

Q. Other men were living there, weren't they?—A. Yes, sir.

Q. Didn't they have a right to buy from him if they wanted to?—A. They ought to have gone to the store.

Q. Didn't they have a right to buy from this man? I am trying to find out from you how you were trying to construe your duties. Do you construe them so a man could not buy from whom he pleased?—A. Not without a privilege to.

Q. Could he not go in there and see those people unless he had your permission?—A. I am certain we did not allow it up there.

Mr. KNIGHT. As I understand it, you never interfered with visitors?

A. No, sir.

Q. You had instructions to keep pack peddlers off the property?—
A. I did.

**TESTIMONY OF J. H. MAYFIELD REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

J. H. Mayfield, being first duly sworn, testified as follows:

By Judge SANDERS:

Q. You are the same J. H. Mayfield that has given evidence here before?—A. Yes, sir.

Q. Do you know Mr. Anderson, who has just been on the witness stand?—A. Yes, sir.

Q. How long have you known him?—A. Eight years.

Q. Have you been intimately acquainted with him during that time?—A. Yes, sir.

Q. Did you know him while he was on Cabin Creek and boarded with Mrs. Riggs?—A. Yes, sir.

Q. Were you intimately associated with him then?—A. Yes, sir.

Q. I believe you roomed together there?—A. Yes, sir.

Q. Mrs. Riggs has testified that Mr. Anderson stayed drunk nearly all the time he was at her house.—A. It isn't so.

Q. Did you ever see him drunk at any time while he was there?—A. No, sir.

Q. I wish you would state whether or not you heard Mr. Anderson curse and abuse Tincher on his return from New York on one occasion?—A. No, sir.

Q. It has been stated by Mrs. Riggs in her testimony that you reproved Mr. Anderson one or more times for drinking.—A. I never did.

By Mr. BELCHER:

Q. Mr. Mayfield, did you ever see a single one of the guards whom you have known do anything wrong at all?—A. No, sir.

Q. You want the commission to understand that not one of the guards you have known on Cabin and Paint Creeks never did a single thing wrong?—A. Not to my knowledge.

**TESTIMONY OF WARD SCHULTZ REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

Ward Schultz, being first duly sworn, testified as follows:

By Judge SANDERS:

Q. Who are you working for?—A. The Baldwin-Feltz Detective Agency.

Q. How long have you been working in West Virginia?—A. About 15 years.

Q. Do you remember the occasion that a man by the name of Stringer was killed at Holly Grove in this county?—A. Yes, sir.

Q. Were you at Holly Grove the morning after he was killed and before he was removed?—A. Yes, sir.

Q. It has been stated here that 13 of the Baldwin-Feltz guards went down there to recover his body; is that correct?—A. Yes, sir.

Q. It is stated here that about 22 of the miners were arrested and taken over to Mucklow by Mr. Gaujot and 13 guards. I do not care to go into that question, but I do want to ask you to state if you heard any conversation between Gen. Elliott and Mr. Gaujot after these

miners were taken over to Mucklow; and if so, what that conversation was?—A. I did. He asked Gaujot what he was holding these men for, and he told him he was holding them for an investigation to see who killed Stringer, and he told him that was a good idea to hold them for the investigation.

Q. Miss May Claypool says that on the morning Stringer was found dead on the railroad track she was compelled by the Baldwin-Feltz guards to wade the creek, and also Miss Lizzie Fish, who was with her, and both were compelled to wade the creek. You were one of those guards at that time?—A. Yes, sir.

Q. State to the commission whether or not these two girls were compelled by the guards to wade this creek?—A. They were not.

Q. Did the guards, or any of them, intimate that they should do so?—A. No, sir.

Q. Were you in a position to see or know about this matter?—A. Yes, sir.

Q. Were the guards who were present there in close proximity so you could see what each did?—A. Yes, sir.

Q. State what you know of anyone wading the creek at that time.—A. I never saw anybody wade the creek myself. Some boys said they saw the girls cross the creek and come to the side we were on.

Q. From the opposite side?—A. Yes, sir.

Q. Who said that?—A. Turkey Hale and Boggs, a couple of our men.

Q. Miss Claypool said there was a man by the name of Brown, who was one of the guards at that time and who took part in requiring them to wade this creek. State whether there was a man by the name of Brown acting as a Baldwin-Feltz guard.—A. There was not.

Q. Did they have in their employ a man by the name of Brown that you know of?—A. No, sir.

Q. The young lady stated that the water came up nearly to her shoulders. State what you know about the creek at that time.—A. I crossed the creek twice that morning not more than a hundred or hundred and fifty yards below where she was supposed to have crossed and where the boys saw her cross and I never got my feet wet.

Q. What would be the depth of the water where she crossed?—A. About knee-deep. I know the soldiers made a dam at Mucklow, about three-quarters of a mile above there.

By the COMMISSION:

Q. Did this young lady wade the creek?—A. I don't know.

Q. Did you have information that she did?—A. Yes, sir.

Q. Did you see her?—A. No, sir.

Q. Do you know where you were at the time she waded the creek?—A. Yes, sir; I think I do.

Q. Where were you?—A. On the railroad.

Q. About how far from where she was?—A. I suppose about 100 yards.

Q. Did you have information that she did wade the creek?—A. Yes, sir.

Q. Did your information show that she was compelled to wade the creek?—A. Yes, sir; the fellows that saw her said she crossed the creek on the same side that she was on.

Q. From your information, why did she wade the creek?—A. I don't know about that.

Q. As you understand, she did it voluntarily?—A. I don't know about that.

Judge SANDERS. There was some shooting going on from the side of the creek from which she came and she came in the direction of the guards?

A. Yes, sir.

By Mr. BELCHER:

Q. You say that you were told that two women came over from the other side of the creek?—A. Yes, sir.

Q. Who told you that?—A. Mr. Hale and a fellow named Boggs.

Q. What was the cause of their telling you the mere fact of seeing two women coming over from the other side of the creek?—A. They just spoke about seeing them cross.

Q. Was that an unusual instance?—A. I don't know about that; there was some shooting going on. They fired at us from over there. They told us that they came from the same side of the creek we were on.

Q. What side were you on?—A. On the right-hand side, and they were on the left.

Q. How did these women come over there?—A. They crossed the creek.

Q. They crossed the creek or bridge?—A. No, sir; they waded it. I never saw them cross.

Q. Do you mean that the women waded across the creek to get to where you gentlemen were?—A. They didn't come to me.

Q. Where did they go?—A. To a house on the other side of the creek.

Q. You know that?—A. I know what I told you and what they told me.

Q. How do you know they went to this house?—A. I don't know it.

Q. Why do you state it?—A. The other fellows say they crossed the creek to this house. I never say them myself.

Q. Then you were told by Turkey Hale and a man named Boggs that two women waded the creek in the direction these gentlemen were and went into a house?—A. I didn't say they went into a house.

Q. Went to a house?—A. They were going in the direction of the house.

Q. Do you say that as a matter of fact, as your own knowledge, or as what they told you?—A. They told me. I never saw it at all.

Q. How near is the creek to the railroad?—A. Thirty yards to the creek from the railroad, and Stringer was lying on the railroad. It was farther from where Stringer was lying to the creek than from where we were.

Q. Was there anything there that disturbed your view of the creek from where you were?—A. Yes; this shooting disturbed me right away.

Q. You mean that your view was obstructed by that shooting?—A. Yes, sir.

Q. And that you could not see over that way because of the shooting. You say that the shooting obstructed your view? How did it obstruct your view?—A. I was looking to get shot any minute.

Q. You could not see to the creek?—A. The shooting was coming from over here. They told me they came out from this point and went to this house. I was looking where the shooting was going on.

Q. You didn't see any women at all?—A. No, sir.

Q. Did the men who were with you on that occasion tell you that they saw two women wade the creek?—A. Yes, sir.

Q. You gentlemen had been shooting before you got there, hadn't you?—A. No, sir.

Q. You are sure of that fact?—A. I am sure of that fact.

Q. If they did wade the creek, you know nothing about it?—

A. Only what I was told.

Q. You were told of it by two Baldwin men?—A. Yes, sir.

Q. What means did they have of knowing it more than yourself?—

A. They were anywhere from 30 to 40 yards in front of me. They were scattered.

Q. Why did you tell this commission awhile ago that there was nothing said by the guard to these two women?—A. There wasn't; not to my knowledge.

Q. You said you were there and nobody said anything?—A. If they said anything, I would have heard it, because these women were 100 yards away from them.

Q. How do you know it?—A. From what these fellows told me as to where they crossed.

Q. Perhaps they didn't tell you the truth?—A. Perhaps they didn't say anything about it.

Q. Do you know anything about the fact you are trying to testify to?—A. I know what I was trying to say.

Q. If these men were scattered to about 40 to 50 yards ahead of you, is it not possible the men had a conversation with the women?—A. They could not without me knowing it. These women would have been 100 yards from them.

Q. It might have been and you not know it?—A. No, sir.

Q. Do you know they were speaking the truth?—A. Yes, sir.

Q. They told you all as to the fact you did not see?—A. Yes, sir.

Q. They told you everything that happened there?—A. Yes, sir.

Q. If you did not see it, it might have occurred?—A. I could have heard them talking from that distance they had to talk.

Q. There was nothing to prevent you seeing them as well as Hale and Boggs?—A. I suppose not.

Q. If you did not see those things, they could not have happened without your knowledge?—A. No, sir; I could have heard them.

Q. One thing could have happened and the other could not?—A. I could have heard these men talking to them.

Q. You say you were very much excited?—A. I didn't say I was excited. I was looking to get shot every minute.

Q. Did you not tell the commission that there was shooting on the hillside and you were expecting to get shot every minute and yet

you heard every word that was said 30 to 40 yards below you?—A. Yes, sir.

Q. And the two women waded the creek?—A. I could have heard them talking from that distance if they had halloosed.

Q. If they had been close enough to carry on a conversation without halloosing, you could have heard it?—A. If they had been close enough I could have heard it. I was within 50 yards of these men.

Q. What were these men 50 yards ahead of you talking about?—They were not talking at all. They were walking down the road. If they had talked loud enough for these women to hear, I would have heard it.

Q. How do you know that when you did not see the women?—A. I know what they told me.

Q. That is all you know?—A. Yes; all I know about the women.

Q. And the only reason why you testified that these women were not compelled to wade the creek by these guards is the fact that those guards told you so; is that not true?—A. No, sir.

Q. Did you assist in taking those men to Mucklow?—A. I was down there.

Q. Did you carry out the orders of Gaujot on that occasion?—A. I was working under Gaujot.

Q. Didn't you know at the time he had no legal process to take those men and arrest them?—A. No, sir.

Q. Did you inquire, as an officer?—A. No, sir.

Q. Are you a deputy sheriff?—A. No, sir.

Q. Don't you know that Gaujot was an outlaw?—A. No, sir.

Q. Don't you know that he has been tried for murder time and time again?—A. No, sir. I don't know anything about it.

Q. Don't you know that he was tried in Raleigh County for shooting a negro in the back?—A. No, sir.

Q. You didn't inquire about it?—A. No, sir.

Q. You didn't care anything about the character of the men you were associated with?—A. I didn't think I was associated with any such men as that.

Q. You didn't inquire?—A. It was none of my business to inquire about it.

Q. It was not?—A. No, sir.

By Judge SANDERS:

Q. You don't know anything about Gaujot being tried in Raleigh County for murder?—A. No, sir.

Q. You state that your information was that these two girls waded across the creek from the opposite side from where the guards were?—A. Yes, sir.

Q. From where the tents were?—A. Yes, sir.

Q. In the direction from which the shooting was?—A. Yes, sir.

Q. In wading the creek they would be about 100 yards from the guards?—A. Yes, sir.

Q. And you about 30 yards from them?—A. Yes, sir.

Q. If they had said anything to the women you would have been in a position to have heard it?—A. Yes, sir.

**TESTIMONY OF WADE PERRY REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

Wade Perry, being first duly sworn, testified as follows:

By Mr. BELCHER:

Q. In your own way tell the commission of the trouble you and Farley had with Anderson and a man by the name of Rush Slater on Cabin Creek at Carbon in 1904.—A. I had a little store there that I owned. I had Farley come down there that evening about dark, as I had some ice cream and everything, and he asked me if he could help me awhile. I told him I didn't care. I told him he could help the boy sell ice cream if he wanted to, and I would give him what was right. He came behind the counter and commenced working with the boy. Sometime after dark Mr. Anderson came into the house and said he wanted to see him for something, and Farley said something; I don't remember what it was. It seemed to me like he might be afraid of him. In a moment I saw Mr. Slater come into the store and start around the end of my counter. It seemed that Mr. Farley got scared and jumped through my window, which was raised, and Mr. Anderson came over the counter and went out the window after him. Mr. Slater turned and went back out of the door. After that, just a minute or so, I heard some shooting out doors. I went out and I don't know anything about it. I didn't know what had been done and didn't feel like I wanted to interfere in other people's business. I didn't know what was the matter or trouble. It was not a great while until Slater came in. I was very busy. I was wiping my counter off. I had served some ice cream. Somebody threw a gun in my face. I threw up my head and he struck me over the head with something like a blackjack. The fire went out of my eyes. I threw my hand up this way [indicating], and he struck me again across the fingers. My fingers were all swelled up. He struck me across the arm three or four more licks. I aimed to get away from him and he struck me in the mouth with his gun. When he did that it knocked me up against the shelf. Then he jumped over the counter and got a hold of me and kicked me three or four times on down toward the front end of my building. He held me and cursed me and called me a son of a bitch. He tried to get me to take out a little stage I had there.

Q. Where was Anderson?—A. I remember turning my head to see who was in there. I was scared and I turned my head and I saw Mr. Anderson. He had always treated me very nice. I said, "Mr. Anderson, stop Slater." He said something, and about that time some people ran in the door. I heard him say, "Stay out of here; there is trouble in here and don't come in here." The women commenced to cry; it was over in a moment, and my wife, two sisters, and my little girl commenced crying. My little boy saw I was pretty bloody and he commenced to halloo. He asked these fellows to desist. My brother told me these fellows were on horses at my fence and that Charlie Cabell held the horses. My brother says that he held the horses; I didn't see that. I was busy in the house. I had never done anything to those fellows and treated everybody peaceably. I had a little stage there and ran it, and there had not been any trouble.

Q. How soon was it after Anderson went out of that window after Farley until you heard those shots?—A. It was a very few minutes; probably two or three minutes. It could not have been that long.

Q. Was Farley shot?—A. Afterwards they told me he was shot. He went clear across the creek to Acme and went to a man named Tom Poor. He stayed at his house. I never saw him again. I knew him as I was working in the mines where he was working.

Q. Did you hear where he was shot?—A. In the arm somewhere and one foot.

Q. He did not come back to your store?—A. He did not come back any more.

Q. How long did you remain in business there?—A. Quite awhile; I sold out to the Carbon Coal Co.

By Mr. KNIGHT:

Q. Do I understand that this jumping out of the window by Farley and pursuit by Anderson and this alleged assault by Slater on you took place the same night?—A. Yes, sir.

Q. How far apart?—A. The first commenced with Farley and he went out the window, and it was barely half hour when Mr. Slater jumped in there on me.

Q. He wanted you to do what?—A. I don't know what he was pounding me for. The first thing, he drew a gun in my face and hit me on the head. He hit me with a gun or blackjack first; I am not positive, but I took it to be a blackjack he hit me on the head with. I made out to turn and then he struck me with a gun, and he had a gun in his hand. It broke my gums all loose. It was about half an hour after this first trouble occurred.

Q. What did he want you to do?—A. He pushed me on down to my window and kicked me three times. He kicked me once on the hip and twice on the leg. He pushed me to the front window and stopped there. He was a big man. I stopped there and said, "What are you beating me for." He said, "You have got to cut out this dancing." I said, "I ain't bothering anybody; what do you beat me for?" He says, "You have to promise me to cut out this dancing or I will kill you." I said, "I ain't going to stop my business." I said, "I want to treat you right; it is my property and I have a family to take care of, and I want you to let me alone and not beat me this way."

Q. Did he go away then?—A. In a moment Anderson and Slater went out the door and the women came up there hollering and screaming and getting up a big excitement, and they disappeared. Nobody saw it or knew what it was.

Q. You kept on with your business and finally sold it?—A. Yes, sir; to the Carbon Coal Co.

Q. Did you have them arrested?—A. No, sir.

Q. Why not?—A. I didn't want to go to the expense or bother. I didn't want any lawing. Somebody told me I should have done it. I didn't want any trouble with anybody. I didn't want any lawing or fuss at all. I knew Slater had done me wrong, and I didn't know what the cause was. He said, "You have got to quit this dancing." He sent me word twice to cut out dancing.

Q. You had a dance platform?—A. Yes, sir; I had a platform there. He didn't want me to run a stage and have dances. I asked him why and he said, "You are disturbing the superintendent and mine boss, and they can't sleep here."

Q. Didn't you have some shooting down there?—A. One night I heard some shooting by the Wake Forest boys down the road. I saw Mr. Anderson the same night looking for them.

Q. Didn't you have a lot of disorder?—A. No, sir; not a bit; no fussing or fighting.

Q. You had saloons up there at that time?—A. Yes, sir; there was a saloon a little above there.

Q. Where the Y. M. C. A. is now?—A. Yes, sir.

Q. Didn't the people go up to the saloon and get drunk and then come to your place?—A. I would not allow them to come there drunk.

Q. How long did you live there afterwards?—A. I think it was a right smart while. I don't remember when I did sell out to the Carbon Coal Co.

Q. You lived there four or five years?—A. I don't remember.

Q. You never made any complaint about this matter?—A. I did not.

Q. You never swore out a warrant?—A. No, sir.

Q. You never made any complaint to Mr. Cabell?—A. No, sir; I never made any complaint at all.

By Mr. BELCHER:

Q. Had any of those companies up there tried to purchase your property before this assault upon you by these guards?—A. Yes, sir; they always wanted to buy me out. They tried to buy me out and I sold to them afterwards.

By the COMMISSION:

Q. What is your weight?—A. I weigh 118 pounds; the heaviest I ever weighed was 127.

Q. What did you weigh when Slater attacked you?—A. Somewhere about like I am now.

Q. Give a guess at Slater's weight.—A. I think Mr. Slater would have weighed something like 180 or 190 and possibly more.

Q. He was not of your class?—A. No, sir; he came for me through the window.

Q. Don't you think he could have threatened you sufficiently without having used a gun and blackjack?—A. Yes, sir; he could have whipped me all right. I told him I wanted to treat everybody right. I said, "What have you against me, gentlemen, to whip me this way." He cursed me and told me to cut out my dances or he would kill me.

By Mr. BELCHER:

Q. You have told the Bishop that you are not in Slater's class; do you know any law abiding citizens who are in the class of the guards on Cabin Creek?—A. I could hardly tell.

(The commission at 11.30 o'clock a. m. adjourned to meet at the call of the chairman.)

**TESTIMONY OF F. W. HOWERY, REFERRED TO IN FOREGOING
AGREEMENT BETWEEN COUNSEL.**

Thereupon F. W. Howery, a witness for the prosecution, was duly sworn, and testified as follows:

Direct examination by the JUDGE ADVOCATE:

Q. Mr. Howery, how many of the prisoners do you know? Just identify them, those that you know?—A. Harrison Ellis, Emory Sowards, E. B. Vickers. That is all I see in this crowd that I know, and Mother Jones, I know her by sight but I don't know her personally. I am not acquainted with her, but I know her when I see her.

Q. Do you know Mr. Brown?—A. Yes, sir.

Q. Do you know Mr. Parsons?—A. I didn't see him.

Q. Stand up, Mr. Parsons.

(The defendant G. F. Parsons stands to his feet.)

A. Yes; I know him.

Q. Do you know the gentleman (C. H. Boswell) sitting there at the left of Mother Jones?—A. No; I don't know him. I think that is all I know.

Q. Where do you live, Mr. Howery?—A. I live at Hansford.

Q. How long have you lived there, at Hansford?—A. About 20 years.

Q. What do you do there?—A. Sell some goods.

Q. Have a store?—A. Yes, sir.

Q. Were you there on the 7th, 8th, 9th, and 10th of February, 1913?—A. Yes, sir; I was there all the time.

Q. All the time?—A. Yes, sir.

Q. What arrangement, if any, did you have with the defendants J. W. Brown and Mr. Parsons—G. F. Parsons—to leave your store open there, so they could have telephone communication during that period?—A. Well, one night they asked me to keep it open.

Q. Who asked you to keep it open?—A. Mr. Brown, I think.

Q. You know who did ask you; did he?—A. Yes, sir; Mr. Brown, I believe, was the man.

Q. What night was that with reference to the time that they had the trouble at Mucklow? You heard of the Mucklow trouble on the 10th?—A. Let me see—I kind of get mixed up on dates. I will have to study a little.

Q. Mucklow trouble was on Monday and the Holly Grove trouble was on the Friday before?—A. That must have been Monday night, the best of my recollection.

Q. Did you have that store open before that?—A. Before that?

Q. Before the Monday night, didn't you have it open on Saturday and Sunday night preceding that?—A. Yes; but I was not asked to keep it open.

Q. But you did keep it open, as a matter of fact, for them, Mr. Howery?—A. It was kept open a while each night.

Q. What do you mean by "a while each night"?—A. I don't know just what time I did close up on that night. I closed up about 12 o'clock.

Q. What time was that on Monday night?—A. That I agreed to keep it open?

Q. Yes; all night?—A. I closed it before the soldiers come in. I don't know that they come in until the next morning.

Q. Didn't you on Saturday before the soldiers came in—the soldiers came in on Monday night—hear Mr. Brown and Mr. Parsons telephone to Charleston and ask them “to bring up the stuff,” or send “up the stuff”?—A. There was some kind of stuff. I don't just know exactly what, but they was to bring up some kind of stuff.

Q. You heard them having a conversation of that sort?—A. Yes. sir; something; I don't know what it was.

Q. On Sunday did you hear the defendant, J. W. Brown, put in a call? Did he put in a call for Carbondale?—A. I don't think he did on Sunday, for I don't think I was open on Sunday. That is the best of my recollection now.

Q. You told me that in a conversation which I took down in shorthand?—A. Yes.

Q. You stated that you heard Brown call Carbondale and ask for Ernest Creigo, did you not?—A. No, sir.

Q. How?—A. No, sir. If you have got that, you have got it kind of wrong at Carbondale.

Q. What did you tell me, then?—A. That he phoned up there and somebody, Dr. Wilson, I think, answered.

Q. Go ahead. What did he ask Dr. Wilson?—A. He asked him if those men had come there. I couldn't hear what Dr. Wilson said. He said, “I guess they will come over; I sent two up.”

Q. Who was it that he had the conversation with?—A. It seemed like it was Wilson; that is the way I understood it.

Q. That is, Mr. Brown had the telephone—J. W. Brown was doing that telephoning?—A. Yes; Mr. Brown. He said, “Get the men or boys together,” or something, and “I will, up some time to-morrow morning.”

Q. Was that on Sunday afternoon?—A. Well, I can't just say, or I can not tell you exactly what date it was.

Q. Mr. Parsons was with him, was he not, at that time?—A. I don't remember of him being with him at that time. They was in there together a great deal, but I can't tell you each time they was together.

Q. On that particular Sunday were there quite a number of men going in and out of Hansford, a great many of them armed with rifles and guns of various sorts?—A. It seems like I saw one squad coming in from the river, coming up from the river is all I ever saw.

Q. Didn't you upon that occasion see Mr. Parsons and Mr. Brown with these men?—A. I don't remember seeing them with them at all, but Mr. Parsons was out on the streets, and I saw Mr. Brown occasionally. I was in the house most of the time.

Q. Now, you know you have told me two or three times what you saw Brown and Parsons doing on that particular day. Just tell these gentlemen what you told me.—A. I can't say that I saw Mr. Brown or Parsons talking to any squad of men, although I saw the men occasionally.

Q. Didn't you tell me in these two conversations with me different times, when these men came in, you saw both Mr. Brown and Mr.

Parsons go out and have a conference with them and you believed they were instructing the men?—A. I didn't aim to tell you that way, because I don't hardly think to my knowledge they met a crowd and told them to do anything. It was a time that every two men who met, would have a talk. When two men would meet, they would have something to say about this trouble, speak to one another. When a man would meet another, he would stop and talk together. Whenever there was anyone, no matter who it was, wherever two or three men were together, the crowd would come there. There was a great deal of trouble going on.

Q. Didn't you in your conversation with me, make the statement that Mr. Brown and Mr. Parsons were active leaders of the men upon that occasion?—A. I said they seemed to be the leaders; that is, I didn't hear anybody call them leaders, but they understood there that they would be the leaders, it seemed, if they were attacked there by the "Bull Moose," that is, all they talked about, was the "Bull Moose" coming in to attack them, and they were going to defend themselves.

Q. And your men Brown and Parsons were leading your side of it?—A. I said they seemed to be.

Q. They seemed to be?—A. Yes, sir.

Q. Did you see the man or men who brought in the dress-suit case of ammunition on Sunday morning?—A. No, sir.

Q. Your understanding was that it did come in, was it not?—A. No, sir; I never heard anybody say they brought the ammunition in.

Q. You knew that it had been telephoned for, the day before?—A. I was not out that morning at the post office. I didn't see anybody come up on that train. I didn't see anybody get off of No. 14 when she come in. They had to go right by the post office, if they had brought anything in.

Q. Didn't you understand that the ammunition had come up on Sunday morning?—A. No, sir.

Q. Didn't you hear that talked around generally?—A. No, sir.

Q. You didn't know that?—A. No, sir.

Q. I want, for the purpose of refreshing your memory—I want to know if you did not have your store open all night Saturday night, and was it not Saturday night they kept that store open for telephoning, and not Sunday? I don't want you to be misunderstood about that.—A. No, sir; the store—my store was not kept open all night Saturday.

Q. Didn't you arrange so they could go in and out all Saturday night for the purpose of using the telephone?—A. No, sir; I didn't give anybody my key.

Q. You say you didn't give anybody your key?—A. No, sir.

Q. How did you expect them to get in Monday night?—A. I stayed in with them all Monday night.

Q. You stayed with them Monday night?—A. Yes, sir; I stayed there to collect tolls.

Q. Do you know who they telephoned to?—A. No, sir; I don't know. They were calling numbers in Charleston mostly.

Q. Calling numbers in Charleston mostly?—A. Yes, sir.

(Counsel for the defendants announce that they do not care to cross-examine Mr. Howerly.)

TESTIMONY OF C. M. BOREN, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

C. M. Boren, a witness introduced on behalf of the prosecution, being first duly sworn, testified as follows:

Direct examination by the JUDGE ADVOCATE:

Q. Mr. Boren, I take it that you do not know any of these defendants?—A. No, sir; I do not.

Q. What position, if any, do you hold with the Chesapeake & Potomac Telephone Co.?—A. District manager.

Q. You were served, I believe, with a subpoena duces tecum to appear here and bring some records?—A. Yes, sir.

Q. Have you the toll records from Hansford for February 7, 8, 9, 10, and 11 showing who called and what places?—A. I believe the 10th was the last day, Colonel.

Q. Have you the toll record for the 7th, 8th, 9th, and 10th of February, 1913, showing who did the telephoning and where he telephoned to during these days?—A. Yes, sir.

Capt. MORGAN. Who made the toll record?

A. The operator at East Bank.

Q. In the course of the usual business who makes up these toll records?—A. The operator.

Q. In the usual course of business the operator makes up these toll records; what is done with them?—A. They are sent into the accounting department for the purpose of billing, and returned to our officer for permanent record.

Q. You are the custodian of the permanent records, are you?—A. Yes, sir.

Q. And these slips are a part of your permanent records?—A. Yes, sir.

Q. Of which you are the custodian?—A. Yes, sir.

By Capt. MORGAN:

Q. You didn't make up these yourself?—A. No, sir.

Q. You do not know yourself whether they are correct or not, do you?—A. No, sir.

Q. You are not informed as to their correctness?—A. No, sir.

(Counsel for the defendants object to any further testimony relative to these toll records. Objection overruled, to which ruling of the commission the defendants, by counsel, excepted.)

By the JUDGE ADVOCATE:

Q. On February 7 we find one call from Kauf, at Hansford. I will ask you to state to what place he telephoned.—A. To "C. N." That is Charleston. That is an abbreviation for Charleston, the "C. N." is.

Q. What number was called?—A. That was No. 69, Fisher & Freit.

Q. Who are Fisher & Freit?—A. They are meatmen there.

Q. Now, on February 8—I hand you all your tickets for that day and ask you to read them; just read them into the record—who made the calls and to whom the calls were made.—A. Blont, at Hansford, called No. 2401; that is the Labor Argus, at Charleston. Scott called 114, Charleston.

Q. What place is that?—A. United Mine Workers.

Q. Go ahead, Mr. Boren.—A. Brown called 2401; that is the Labor Argus. Howery called 2401; that is the Labor Argus. Brown called 2401; that is the Labor Argus. Parsons called 2401; that is the Labor Argus. J. W. Blont called Dr. Wilson, at Carbondale, W. Va., on the 8th.

Q. The next day I hand you is February 9. I will ask you to take these slips and say to whom the calls were made and by whom made.—A. Parsons called 2401, Labor Argus, at Charleston. Brown called the same place. Scott called the same. Parsons called the same. Parsons again called the Labor Argus. Parsons again called the same number. Parsons called the same number. Howery called "A. B."; that is an abbreviation and stands for "anybody" that answers the telephone at Carbondale.

Q. Is that all of your tickets?—A. Yes, sir.

(The judge advocate thereupon offered in evidence to the commission 16 toll records, dated February 7, 8, 9, and 10, 1913.

Counsel for the defendants objected to the introduction of said toll records. Objection overruled, to which ruling of the court the defendants, by counsel, excepted.)

Cross-examination by Capt. CARSKADON:

Q. You say you did not keep these records personally?—A. No, sir; no, sir.

Q. You do not know whether they are correct or incorrect?—A. No, sir.

Q. (By Capt. MORGAN.) You do not know anything about the conversations?—A. I do not; nothing whatever.

TESTIMONY OF DR. S. M. WILSON, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Dr. S. M. Wilson, a witness for the prosecution, was duly sworn and testified as follows:

Direct examination by the JUDGE ADVOCATE:

Q. Dr. Wilson, give the commission your name.—A. S. M. Wilson.

Q. What is your profession and where do you live?—A. Physician; Carbondale, W. Va.; Fayette County.

Q. Carbondale, W. Va.?—A. Yes, sir.

Q. I will ask you to turn to the defendants there and pick out all the defendants that you know.—A. All that I know personally?

Q. Yes, sir; take your time and identify all that you know by name; commence at the back row.—A. Mr. Parsons and Mr. Nutter. I think it is Bert.

Q. Do you know that is his name?—A. Yes, sir. Do you want the names of any person, so I know them?

Q. Yes; so you know them.—A. Joe Prince. There is a gentleman whose face I know.

Q. Will the gentleman stand up? What is your name?

The DEFENDANT. Harry Vrasie.

A. Yes, sir; I know Harry Craise. Mr. John Brown, Mother Jones, Mr. Boswell, Mr. Batley; that is all.

Q. I will ask you to tell where the defendants that you have identified live, if you know; or to simplify it, how many of them live

on the opposite side of the river from here?—A. Just a moment. I see Grady Everett and I know him, also Ernest Creigo. Those that live on the other side of the river from here are Mr. Ernest Creigo, Mr. Grady Everett, Mr. Joe Prince, and Mr. Harry Craisa. They are all.

Q. Where does Bert Nutter live?—A. Mr. Bert Nutter lives at Carbondale.

Q. How do you come from Carbondale to Pratt in the usual way of traveling and about how far is it?—A. You come via Smithers Creek to Montgomery, over the bridge to Montgomery, and from Montgomery direct to Pratt.

Q. About how many miles is it as you travel it?—A. About 6 miles, I should say.

Q. Take your seat, Doctor. Where were you, Doctor, on Saturday and Sunday, February 8 and 9, 1913?—A. Where was I on Saturday?

Q. Saturday and Sunday?—A. At Carbondale.

Q. Did you on either of these days have a telephone conversation with the defendant J. W. Brown?—A. Yes, sir.

Q. Which one of the days did you have the phone talks with him?—A. Not at all.

Q. Which days did he call you and did you have the phone conversation with him?—A. Not that I know of at all.

Q. I asked you if you had a phone call from him and you stated that you did; now I am asking you which day it was.—A. Saturday night.

Q. Saturday night?—A. Yes, sir.

Q. About what hour?—A. I think it was about 6 or 7 o'clock.

Q. What request, if any, did he make of you at that time?—A. Now, as I remember the conversation that took place over the phone, some one—I can't swear that it was Mr. J. W. Brown, but some one said that his name was John Brown—called me up and said he was at Pratt, and the text of his conversation was as follows: He says, he "didn't know how I felt about this matter, but that something ought to be done." Now he said, "the guards had shot up Holly Grove, and had killed a miner," as near as I understood it. That is just about what I understood of the conversation. Right there I stopped him. I told him to hold the phone a second, and I went over and got Mr. Creigo. Previous to this, by way of explanation, Saturday evening Mr. Creigo got off the train there at Carbondale station. I was going up the railroad and he hollered to me and asked me if I would take a phone message that night; that he would not be up there in the store, and would I take the message. I told him yes, I would; and that is all that passed between us. Then I stopped this man at the other end of the line, whoever he was, and told him to hold the phone a second, and I went over and told Mr. Creigo to come over there and see to that phone message.

Q. Did you hear the Creigo end of the phone conversation that took place after you called him?—A. No, sir; I was in my office.

Q. What connection, if any, has Mr. Creigo with the miners; is he employed by them in any way?—A. Yes, sir; he is the lobbyist at the State legislature.

Q. Did you see Mr. Creigo on the day following this telephone conversation?—A. Yes, sir; he was in my office.

Q. About what time in the day?—A. He was in my office about 6 o'clock, I think.

Q. Afternoon or morning?—A. Afternoon.

Q. What statement, if any, did he make to you—meaning Mr. Ernest Creigo—about coming over on this side of the river to take part in the trouble going on?—A. He made this statement to me, standing at the foot of my bed. He says, "Doc," he says, "I have decided that it is my duty to go over there to-night." He says, "I never have been over there, but" he says, "I understand there is not to be any trouble but just a demonstration." He says, "I feel it is my duty to go over there." He says, "I think the crowd is going from here," and he said, "heretofore I never have been over there, but I think it is my duty to go to-night." That is the very substance of what passed between us.

Q. Do you know whether or not he went over that night? What is your information about it?—A. I can't swear about that.

Q. What is your information as to whether or not he left there?

(Counsel for the defendants object to this question. Objection sustained as to the form of the question.)

Q. Doctor, do you know whether or not Creigo or any of the men whom you have identified, who live at Carbondale, left Carbondale on Sunday night or Monday night?—A. No, sir.

Q. Did you see the defendant, Boswell, on Sunday, February 9, 1913?—A. Yes, sir.

Q. Where did you see him?—A. He came to my boarding house.

Q. What was he doing when you saw him?—A. He came into my room. Mr. Boswell came into my room, just behind him came several men, one of them Mr. Nutter; he came with him.

Q. When you say "Mr. Nutter," you mean Bert Nutter?—A. Yes, sir.

Q. Go ahead with your statement, Doctor.—A. He came—the gentleman I have just forgotten his name—he came in and got some medicine for his wife, and Mr. Nutter came with him. They stayed for a few minutes and they left.

Q. Did you hear any conversation between those persons at the time you were in the room—Boswell and Nutter?—A. No, sir.

Q. What statement, if any, did Boswell make to you as to the purpose—as to his purpose for being at Carbondale that afternoon?—A. The only thing that I heard him say relative to this was just after dinner, and we were going out from the dining room. I heard some one remark to Mr. Boswell if he was going over to the meeting, and he said, "No; he was not." "That he had just come over there to deliver a message." What that message was or its text or anything, I don't know. But prior to that time, that morning, when in my room, he was talking to me after these parties left, and he asked me, or said he wanted some information. I told him all right, and he asked me, or he wanted to know if there was such a thing as maternal impression; what effect this fight would have on a child that was born of a woman in childbirth at the time of the fight. I expect we discussed that for one hour or so. We differed radically in regard to it, and the discussion was a good long one. That is what he wanted to know, and from that he diverted on to some other texts, and I

remember of him saying that he did not think there was going to be any trouble; that he understood the guards had left the creek, and the "scabs" were going out, and he thought if the miners would make a demonstration the strike would end. That is his opinion and all he said about it.

Q. You made a statement to me in one of my interviews that he made a statement, in substance, that if you could get 1,000 men to make a demonstration, which would end the strike. Now, for the purpose of refreshing your memory, what did he say about it?—A. To get 1,000 men?

Q. Yes; that is the statement you made to me the other day, Doctor?—A. I don't remember that, Colonel. I don't remember of ever having said that.

Q. You recall all the conversation you had with me?—A. No, sir; you have my conversation mixed up with somebody else. I am satisfied I never made that assertion.

Q. What time did Parsons go over to Carbondale that morning?—A. Mr. Boswell?

Q. Boswell, yes?—A. About 10 or 11 o'clock, I think.

By Capt. MORGAN:

Q. What morning was this?—A. Sunday.

By the JUDGE ADVOCATE:

Q. Do you know where he came from that morning?—A. No, sir.

Q. Did he make any statement about where he had come from?—A. No, sir.

Cross-examination by Attorney M. F. MATHENY:

Q. Doctor, in regard to this young man, Creigo, I believe you stated that he told you he never had been over on this side, in any of this trouble, and that he understood there was going to be a demonstration, and he felt he ought to come over and join in the demonstration?—A. Yes, sir.

By Capt. CARSKADON:

Q. You do not know whether he did come or not, do you, Doctor?—A. No, sir.

TESTIMONY OF F. W. HOWERY, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Thereupon came F. W. Howery, who was sworn by the judge advocate and testified as follows for the prosecution:

Direct examination by the JUDGE ADVOCATE:

Q. You were sworn on yesterday, I believe?—A. Yes, sir.

Q. On yesterday you were asked about some telephone conversations or calls that took place between Mr. Brown, the defendant here, and a party over your telephone, and your mind was not altogether clear as to these conversations. I will ask you if you, since you have testified, if I did not read over to you the conversation that was taken and it refreshed your memory somewhat—things you did not testify before—did you have a conversation with me at dinner time over this?—A. Yes, sir.

Q. That has refreshed your memory somewhat?—A. Yes, some.

Q. I will ask you now, if at the time that the defendant, J. W. Brown, talked to the party at Carbondale, if he did not make this statement, "that he was getting desperate and don't care who hears me, and asked if they have got any men over there on the other side; that we are wanting men over here," didn't he?—A. I don't remember that.

Q. Do you remember any part of that?—A. (Witness hesitates.) No; I do not think I did.

Q. At the same time, didn't you hear him say, "If you have any men with red blood over there, send them over here; if ever we needed men, we need them now"?—A. I got part of that—"If you have men with red blood in them, we need them," something like that. I did not catch the whole thing. It was too much of my head.

Q. Too much for your head. Didn't Mr. Brown that night call 2401 and wanted to know when the Bull Moose was going to leave?—A. I do not know what number he called. I don't think it was 2401 though, but he did ask them when the Bull Moose was going to leave.

Q. What arrangement, if any, did you hear him make about being advised when the Bull Moose was going to leave—kept posted?—A. He said he had arrangements with me to keep open—he didn't tell them it was me. He said he had arrangement with the man to keep his store open, and that he wanted them to let him know concerning it every hour.

Q. Every hour—I will ask you whether or not you heard Mr. Brown ask them to send him some .44 cartridges and also some .32 special for the old man?—A. Yes, sir.

Q. Who, if you know, did he refer to—did he mean, when he said "the old man"—who was that or did you understand?—A. That is what I couldn't tell you, who he meant. I supposed he meant himself; but then, I do not know that to be so at all. It is only my supposition for he didn't call any names—he said "for the old man."

Q. "For the old man"?—A. Yes, sir.

Q. I will ask you afterwards, if Mr. Parsons, the same night was not at the telephone down there inquiring about the Bull Moose in the store there—one of the defendants named here, J. F. Parsons; is not that true?—A. It was—Mr. Parsons.

Q. Yes; didn't he also do some telephoning?—A. Yes, sir; he had been the same afternoon.

Q. Didn't Mr. Parsons make this statement in one of those telephone conversations "Things are not looking very well right now, but we will raise the devil in a little while. We can't stand everything"?—A. No, sir; I don't remember that.

Q. You don't remember that statement?—A. No, sir.

Q. Now, what, if anything, did you hear Mr. Brown say on the telephone about sending up some ammunition Sunday morning?—A. I don't think ammunition was mentioned at all. He said something about "sending that stuff up."

Q. "That stuff"; how did he say to send it?—A. He didn't say.

Q. You don't remember hearing him say how to send it; just "send up that stuff"? Didn't you hear Mr. Parsons also telephone and use this language—Parsons said, "to be sure and bring that stuff up in the morning; don't risk sending it"?—A. No, sir.

Q. "Be sure and bring that stuff up in the morning; don't risk sending it." Did you hear him have that telephone conversation?—A. No, sir.

Q. Anything like that?—A. I don't remember him saying "don't risk sending it, to bring it." He might have said bring it.

Q. I understand you, then, you did hear Mr. Brown and Mr. Parsons both telephoning down to bring or send the stuff up?—A. Something up.

Q. Your understanding is that Mr. Brown and Mr. Parsons were the men who were the leaders or directors in that situation at Hansford?—A. Yes, sir; I was under the impression. They told me it was—they were trying to protect the town.

Q. They were the leaders aiding and doing the managing of the affairs there?—A. Yes; I mentioned to them about sending such telephones and they said they didn't care who heard it. They said, "We have a right to protect our town."

TESTIMONY OF R. L. TAYLOR REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Whereupon came R. L. Taylor, sworn on behalf of the prosecution, who testified as follows:

Direct examination by the JUDGE ADVOCATE:

Q. Your name is R. L. Taylor?—A. Yes, sir.

Q. You were employed, I believe, as a mine guard on Cabin Creek on February 10, 1913, of this year?—A. Yes, sir.

Q. Did you hear or know of some shooting that took place on the mountain between Wacoma and Mucklow along on that morning or along there on that day?—A. No, sir.

Q. You didn't?—A. Not on that day I didn't—not until late in the evening.

Q. You didn't hear it in the morning?—A. No, sir.

Q. Were you yourself engaged in any shooting that day?—A. Yes, sir.

Q. Tell us first where it was, what time it was, and all about it.—A. Well, it was, as near as I can remember, about 2 miles from Ronda, back between Ronda and Mucklow.

Q. You say between Ronda and Mucklow; would that be nearer the Kanawha or farther from Ronda?—A. I don't know—about the same distance from the Kanawha River to Ronda, where the shooting taken place—about the same distance.

Q. Just tell us all that took place.—A. Well, at 2 o'clock—I had been away from the work about 10 days and I came in on Monday morning, the 10th, in the morning, on the train, and I understood there was some men in the mountains by some of my men that was there, and at 2 o'clock I took two of the men, John Crockett and a boy named Heffner, and we went into the mountain. I think we left Dry Branch about 2 o'clock and went up Dry Branch hollow about a mile and a half and then we taken the tramroad and went in back in this direction, when we came into this point, about 2 miles from the railroad.

Q. That runs right up from Dry Branch?—A. 'Sir?

Q. Did you go to the right or left up the creek?—A. To the right as you go up the creek. Before we got up on top of the point there we separated and Heffner taken the south side of the ridge going up the creek and I went across through the gap in the hollow, and so was climbing the other side of the hill—that is, on that side of the hill—and I saw this boy Heffner running down from the hills below us, and we hollered at him a time or two to come where we were, but he didn't stop. He said he didn't hear us, and about the same time back on the point back of us there was a party come to the top of the hill and hollered at us and asked us who we was. I hollered back we were guards, and I guess they didn't understand what I said. He said, "If you fellows are miners, come to us; if not, we are going to kill you right in your tracks." At this time I did not see but one man. He commenced talking to somebody, and after they talked they commenced coming over the top of the hill. It seemed like there were from 20 to 50. I couldn't tell exactly how many, and I hollered back—he said for us to come to him. I said, "I am not going to climb that hill." I said, "You meet us out on that point." It seems to be in a kind of a cove hollow and we were going to get on the point, and I told them we would meet them at that point. They kept hollering and we didn't pay any attention, just walked on, Crockett and I, and he was, I reckon, about 3 feet behind me. I had gotten in about—we had gotten in about 50 yards around to the top of the hill, and they kept hollering, "Halt! halt!" but we didn't halt. We kept on going, and I didn't think they were going to shoot, and all at once they gave the command, "Ready, aim, fire," like the soldiers, and at the first volley Crockett fell. I turned back to help him, and he is a man weighs 210, and he raised hisself on his elbow and fell back, and I thought he was shot pretty bad, and I started to go to the top of the hill, and when I turned they shot me, and the bullet hit me, I reckon, 2 inches above the ankle and went through there, and that knocked my foot out and I couldn't get along well, but I got to the top of the hill, and they shot at me until I got over the top of the hill. I don't know how many they shot, but I know the balls rained around me pretty fast, and when I got over the top of the hill several volleys were fired. I do not know who did it.

Q. What time in the day was that?—A. About 5 o'clock.

Q. Were you close enough to recognize any of the persons that shot at you?—A. I couldn't identify any of them; they were 300 to 350 yards away. Just as I went over the top of the hill I saw, I think, one or two come out on the point; some were coming out on the point I designated that we would meet them.

Q. Where was that point you designated you would meet them with reference to Ronda Station or Ronda?—A. Farther on; it seemed to be about south of it.

Q. Of Ronda?—A. Yes, sir.

Q. Was that point nearer to Ronda? A man coming from that point—would he come out at Ronda or Dry Branch, if coming back to the railroad?—A. Come out about Ronda. That is where I came out, and I came a pretty direct road through the hills.

Q. I hand you a map, Mr. Taylor—a topographical map of this country showing the ridges; go over it and indicate, if you are able, with a pencil about your journey and about where you were shot if

you can. There is Dry Branch and there is Bonda [indicating on the map]; work it out if you can.—A. This branch we followed, and it seems that this ravine in here—there is a tram road runs up there and here—this is the point, and we came right up in here, and the shooting seemed to be right on this point in here—the shooting was done from here.

Q. Put a cross mark over the shooting place and a dot over where you were.—A. We were climbing this hill to this point right in here.

Cross-examination by MIKE MATHENY, Esq.:

Q. You are not able to say to the commission that a single man here on trial was in that crowd that shot at you, Mr. Taylor?—A. No, sir.

Q. And isn't it a fact that that strike on Paint Creek and Cabin Creek involves some three or four thousand men?—A. I do not know how many. I suppose a very good lot of men.

Q. And these men—these three or four thousand men—they also have quite a number of sympathizers at the near-by mines where they are working under union contracts; is not that so?—A. Sympathizers you mean?

Q. Yes.—A. I do not know as to that. There is quite a lot of sympathy, I suppose.

Q. You understand that to be the condition?—A. Yes, sir.

Q. And you have had charge there as a mine guard and have watched the development of this trouble, haven't you?—A. To a certain extent.

Q. Isn't it your opinion, from what you have been able to gather, that not only the striking miners up there have participated in some of these battles and conflicts, but also a number of sympathizers from Boomer and other places have come in there?—A. I couldn't state as to that. I do not know any of them.

Q. Your information is that they have been recruited from the outside?—A. I have understood that.

Q. And that a number of people from the north side of the river—Kanawha River—have crossed over and come into the territory—haven't you heard that?—A. I have heard that; yes, sir.

Q. And that is your belief, that they did, is it not?—A. I couldn't believe that they did. I have heard it. I do not know that they did. I couldn't state that.

Q. How many guards have been operating up in there, Mr. Taylor?—A. We had at one time 110.

Q. They were all armed with high-power guns, were they not?—A. Yes, sir.

Q. And had some gatling and machine guns mounted?—A. Had two at one time.

Q. Built a fort?—A. No, sir.

Q. Built a concrete fort up there near Mucklow?

(Objection. Question withdrawn.)

Redirect examination by the JUDGE ADVOCATE:

Q. Would it have been possible, considering the conditions up there and your guard system, for any number of armed men—say, as many as four or six—to have gone up from Dry Branch from the outside on Monday, with their guns showing, without their having

been stopped—on Monday, the day that trouble took place?—A. Well, that is not impossible for them to do it, but I had men on duty and was all about there myself, and was there until 2 o'clock and had men on duty there, and if they saw them to notify me; and I do not think it possible for anybody to get up there without being seen by some of our men.

Q. If they had been seen by some of your men with rifles, would they have been permitted to go on?—A. No, sir; stopped.

Redirect examination by MIKE MATHENY, Esq.:

Q. What on duty?—A. A man on duty—patrol of men around the tipples in the daytime, and in the bottom.

Q. Did you likewise have mountain patrols at times?—A. Yes, sir. I did not have any patrol out that day. I did the patrolling myself. I wanted to investigate and see if there was anybody in the mountains.

Q. And this is wild, unfenced land where the conflict took place?—A. Yes, sir.

Redirect examination by Mr. WALLACE, judge advocate:

Q. Whose property was it on?—A. I do not know. I couldn't tell you.

TESTIMONY OF FRANK SMITH, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Thereupon came Frank Smith, a witness for the prosecution, who was duly sworn and testified as follows:

Direct examination by the JUDGE ADVOCATE:

Q. What is your name?—A. Frank A. Smith, sir.

Q. What is your business?—A. I am a secret-service man for W. J. Burns Detective Agency.

Q. How long have you been connected with the W. J. Burns Detective Agency?—A. I was engaged in this case the last five months, approximately; a few days less, maybe.

Q. Where were you on February 7, 8, 9, and 10, 1913?—A. February 7, 8, and 9 I was down at Charleston and Cabin Creek. February 10 I returned to Charleston and had orders to go up on Paint Creek. I left on the evening train with the intention of going to Mucklow.

Q. What day was that?—A. February 10, Monday; and I left the junction and passed up to Holly Grove. I saw nothing at Mucklow I could investigate, and I stopped over at Holly Grove. Upon my arrival, as soon as the train passed, I seen a couple of men, and as soon as the train passed, about—approximately 20 men came from different directions and went around me and wanted to know who I am. I had a card from the United Mine Workers, Mossy Local. I showed the card and proved myself to be all right, and they commenced to talk to me. The first man talked was a fellow named Steve Yeager, a Slavish fellow. I commenced talking, as I know different languages, I talked to the fellow, and he told me who he was, and he had a Springfield rifle. Every man at the station was armed except one Anthony Kneff. He was not, but afterwards he went in the store

and got his gun and came out. That was the 10th of February, this month, the 10th of February, and he told me—

Q. Don't tell about that.—A. Steve Yeager, who is here present; he told me he was in the coal strike up in Pennsylvania and he knew how to handle his gun. He told me he was there almost three years and he was done waiting. He said no chance getting along as the guards can come here and they were laying there for them and he and a couple of other men—some of them I know their names and some I don't know, but I know them, but I don't know their names—said that they were laying for the Bull Moose; and a fellow, Henry Perry, who seemed to be the leader, came to me next and talked, and he said We are going to Hansford, all the men together, when the men come up from the mountains that was the intention, but all the men was not here yet, and that a couple of men came over here, but that no man could pass that line without a signal; the signal they must give two whistles and three whistles answer, and they said they didn't have enough ammunition. They said Parsons did not distribute the ammunition on Sunday previous, and he didn't distribute the ammunition very well; that some of the men didn't get more than 35 rounds, and they decided to go to Hansford, that relief would be needed there; they were laying for the Bull Moose, but before going they wanted some supper, and they decided to hold a conference and wanted to take out a couple of rails from the track to wreck—

Q. Don't tell about that. What do you know about any of these defendants here, what they did this night; but, before that, I will ask you, Where were you on Sunday, the day before?—A. Sunday I had orders to observe the trains, who leaves—I was in Charleston.

Q. On Sunday, I will ask you if you saw the defendant, Mr. Bosswell, the gentleman over there?—A. Yes, sir; I seen him.

Q. And Mr. Brown?—A. Yes, sir. Sunday morning Mr. Bosswell and Mr. Brown and three other men I know personally went from the Labor Argus to the K. & M. station. They had three suitcases and a couple of packages. If I am not mistaken, I think that they had newspapers around them. They left on the morning train. I couldn't follow them very closely. They knew me, but I watched every train that came in on the K. & M. and I seen the same men come back about half past 7 on the K. & M. train.

Q. Sunday evening?—A. Sunday evening; and I stopped one of the men I knew and started to talk with him, and Mr. Brown called him, for he kind of suspicioned me a little.

Q. Did you see Brown Monday, February 10?—A. Yes, sir; I did.

Q. What were the circumstances?—A. I seen Mr. Brown February 10, Monday night, after we came to Hansford. We stood around and I saw a great number of men around the station holding conferences between them. I saw Mr. Parsons talking to one of the men, and Parsons went with that man and they went up to Mr. Harris's store and were in there; a couple of minutes later two boxes of dynamite—I could see very good, it was dynamite. The men carried the cases on their left shoulder and they were exposed to my view. I do not know where they deposited that dynamite. They carried it in cases and deposited it in an empty building down about the old saloon on the bank of the river. Now, after that there was orders given to put all the lights out, and a couple of boys went out on the poles and turned out all of the lights separately—every light sep-

arately—turned the lights out and told me they were looking for the Bull Moose. There was quite a crowd there and they say they had the news by telegraph when the Bull Moose was coming and they were all laying for it, and after I seen all what was to see and all the men with the guns, and they told me what they were laying for and what they were intending to do, Mr. Brown came over—

Q. What Mr. Brown do you mean, the defendant?—A. John Brown, the gentleman sitting there next to Mother Jones. He wore a black overcoat, his head mussed up, and his face red and a bad smell of liquor in his breath and his hat in his right hand, and asked me what I was doing here. I told him I held a position of inspector with Jeffreys for electric machines myself, you know what I am to do. He said, "No; that is not all you are doing for the Jeffreys people." I said, "That is all what the Jeffreys people has out of me." The Jeffreys people didn't know what I was doing; and then he told me I am in danger. He said, "Our men are slaughtered in the hill; we are not going to stand for it." He said, "We are going to stand for the right." He said, "Life is worth nothing." I said, "No; I don't know they were fighting; I only came from Mucklow and they told me to get off and they brought me to Holly Grove"; and then he said, "You get out of here and go just as fast as you can down the track."

All the time we were talking, four men with Springfield rifles laying over their arms, and I knew I would be shot down, so I just asked Mr. Brown if he won't accompany—if he won't accompany me down the track about a hundred feet. Mr. Brown thought for quite a bit and said, "Well." Well, we went there—well, we were there and one of the men came over and said something and Brown said, "Who is running this thing, you or me?" He said, "I am running this thing." He went 100 feet with me down the track and said he was going to save my life. If I lived 100 years, he said, I am adding 100 years to your life; that the best thing I can do would be to go down the track as fast as I can to Cabin Creek or somewhere and never come back. I told him I want to, and on the way down, about Crown Hill, the first tippie I met about 10 men, all armed and going through Crown Hill; they stopped me and they halted me and asked me what I am doing. I said I am come from Hansford. They asked me what doing. I showed my card again and a union man the first thing asked me, "Is John Brown there?" I told them yes, and they said I may go, and after they passed a couple of tippies I lay down behind one of the timbers, and it was pretty dark, and they had a flash light, and once in a while they flashed the light, so I could see them making toward Hansford bunch; and then I went from there down about a half a mile farther and met about three or four men, and they halted me again and give some kind of a sign.

They whistled and as a freight train passed, I couldn't hear it very well, and one shot was fired at me at that time, and asked me where I am going. I said, "I am going to East Bank." Well, they asked me where I come from and I told them from Hansford and John Brown told me to get out of here. Well, they let me through without further question, and I went on the same way and arrived at East Bank among union men, and I spent that night on the river bank, etc., until next morning and I went to Cedar Grove. At Cedar Grove

next morning the train was 50 minutes late and I just ran around the river bank and ferries to see anybody come, and I saw a few number of men coming with rifles and belonged to Cedar Grove, they said. I did not know the men.

Q. Where were you on the 27th of January?—A. January 27 I was in Cabin Creek Junction and went down to Dry Branch and some place around there—Chelyan.

Q. Did you see Mother Jones that day?—A. No, sir; not that day. I saw Mother Jones the next day, February 28. I met Mother Jones at the station in company with a gentleman I see, Mr. Batley, with glasses. They were there, and I shook hands with Mother Jones and talked with Mr. Batley and talked to him and Mother Jones, with a few around. She was talking about a speech. She was there in Eskdale that day and made a speech, and she was talking to them a little bit and told them that every time the guards beat them up they came to her crying, and she said if she was a guard she would beat them up because they stand for it; that they didn't have to fight, and she told them they have a yellow streak; that it was their own fault what they did. She told somebody, I don't know the name of the man—young boys, between 18 and 20 of them—they ought to get their members in Colorado and get some nerve injected into them, and she told the members in Eskdale, as I was told by miners present—

Q. Don't tell that. Just tell what Mother Jones said.—A. That is all I said.

Q. Don't tell what the miners told you she said.

(Counsel for the defendants here asked the commission to hold this witness over for cross-examination after they had an opportunity to confer.)

By the JUDGE ADVOCATE:

Q. One question I omitted to ask you. You said they were laying for the Bull Moose; what was the Bull Moose; what was your understanding that the Bull Moose was?—A. The general understanding about the Bull Moose—the train was supposed to bring the troops that night.

Q. You mean the National Guard?—A. Yes, sir; the National Guard and whoever was on the train. The preparation was to meet any move to be made. The intention was to shoot up that train. You want me to point out the men I seen then?

Q. Yes.—A. That man, Harrison Ellis; that man, I don't know his name.

By Capt. WALKER, a member of the commission:

Q. Do you know this man's name?—A. I don't know his name. I seen him there.

Q. Is that man over there Price or Huffman?

(W. H. Huffman stands, and says his name is W. H. Huffman.)

Q. You saw him where?—A. At Hansford.

Q. Did he have a rifle?—A. Yes, sir; every man had February 10.

Q. And this man Harrison Ellis?—A. Yes, sir.

Q. The second man?—A. I seen Harrison Ellis at Holley Grove, and he went down to Hansford about 200 yards ahead of me.

Q. Who else?—**A.** Huffman; and I seen Mr. Parsons that night. He was in the crowd and then went back to Howry's store.

Q. Where did you see Parsons?—**A.** At Hansford. He didn't have any rifle. He went over there shortly before the dynamite was carted out. Parsons, I know, with another man not here, and I seen Steve Yeager, a Slavish fellow, at Holley Grove.

By Capt. CAESCADON, for the defendants:

Q. That is the same man?—**A.** Yes, sir. I saw a fellow named Parrish—right here; the first man I seen at Holley Grove.

Q. What man is that?—**A.** Robert Parrish; that is his name.

By the JUDGE ADVOCATE:

Q. Did he have a rifle?—**A.** Yes, sir. He was the first man I seen in Holley Grove when I got off of the train. Met him and Steve Yeager. I seen Sanford Kirk. I didn't talk to him.

Q. What did he do?—**A.** I seen him at Holley Grove, while we were at supper in one of the houses. He came in with another fellow with an overcoat on that is not here. He said he was worn out and tired on account he didn't have any sleep the last three nights he was out. He said if he would see one of the guards he would take his shoes off, and he said he and his friends held up a freight train before he came here, behind empty cars, and that he made the engineer, at the point of a gun, uncouple the train and got around and came on to Hansford. We seen the train standing on a siding. I didn't see anything behind it. Sanford was going with us to Hansford. He had a gun. He was in the party. He is the only man I see around here. Some more men I seen, but they ain't here. Might be some more here that I couldn't recognize. It was dark.

By Capt. WALKER, a member of the commission:

Q. Did Kirk have a gun?—**A.** Yes, sir; he came with a gun to the house of Lawrence Perry, and a couple of men went with some crowd. A couple of men ahead with some crowd going to Hansford, set of men. Two groups. Two men. Harrison Ellis was in the first group. They got about 200 yards. Ellis in the one ahead of us.

Q. Any other of these gentlemen?—**A.** I seen Mr. Brown there Monday. I stated about Mr. Brown. He is the one made me leave the town of Hansford. That is the night he saved my life.

Q. All these men that you have named, all of them had guns except Mr. Parsons?—**A.** Yes, sir; except Parsons didn't have any gun.

Q. What connection did he have with securing the dynamite?—**A.** He went over with another gentleman, whose name I know, not in court, and after that, something like two minutes afterwards, they seemed to supervise the removing of the dynamite from the store.

Q. Supervise the removing?—**A.** Yes, sir; he and another man not here.

By a MEMBER OF THE COMMISSION:

Q. Who was that man?—**A.** Doug. Damron and Doug. Diamond. He goes by both.

M. F. MATHENY. We would like to have the commission hold this gentleman for cross-examination on Monday.

(Witness was excused, to be examined by defendants on Monday.)

TESTIMONY OF FRED CLENDENNIN, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Thereupon came Fred Clendennin, a witness for the prosecution, who was duly sworn and testified as follows:

Direct examination by the JUDGE ADVOCATE:

Q. Your name is what?—A. Fred Clendennin.

Q. You are employed by the Government in some capacity?—A. At Riverside, at Lock 3.

Q. Did you run the ferry on the morning of February 9—Sunday morning, 1913?—A. Yes, sir.

Q. Did you make the trip after the K. & M. train ran that Sunday morning?—A. Yes, sir.

Q. I will ask you to tell this commission whether or not on that morning any men came over bringing suit cases; and if so, how many?—A. Yes, sir; some men came over that day with suit cases.

Q. How many men and how many suit cases?—A. I don't know how many men; two or three suit cases. I didn't pay much attention to them.

Q. Was there anything about the way the men handled them that made you believe they were heavy?—A. I did not pay attention to that. I just seen the suit cases.

Q. Did you know the men that brought them over?—A. No, sir.

Q. Did you get any information at that time that these suit cases contained ammunition in them?—A. No, sir.

Q. After that?—A. Yes, sir; I heard the boys talking about them after that.

Q. But you do recollect that you had people come over on the train with the suit cases?—A. Yes, sir; men crossed the river with the suit cases.

Q. Did you know the names of these people?—A. No, sir; I did not know. No; I saw one man, Mr. Brown. I saw him before the train came in there. He didn't come on the train.

Q. Did he come with the men who had the suit cases?—A. He crossed the river at the same time.

Q. What Brown was that?—A. I don't know; Mr. Brown.

Q. Look around and see if you see that Mr. Brown.

(Witness looks around.)

A. Yes, sir; the gentleman over here.

Q. Mr. John Brown. He came over on the boat with the men with the suit cases?—A. Yes, sir.

(Thereupon the court adjourned until Monday morning, March 10, 1913, at 9 a. m.)

TESTIMONY OF FRANK A. SMITH, REFERRED TO IN FOREGOING AGREEMENT BETWEEN COUNSEL.

Frank A. Smith recalled and turned over to the accused for cross-examination.

By Attorney M. F. MATHENY:

Q. Are you the same Smith who testified that you were a member of the Burns Detective Agency?—A. Yes, sir.

Q. How long have you been operating in this field?—A. Five months; approximately five months; maybe a little shorter; not quite five months; mighty near, though.

Q. Who employed the agency to do this special work—the coal companies or the State?

(The judge advocate objected to this question. No ruling by the commission.)

Q. I will ask you to state at this time if you are in the employment of the State?

(The judge advocate objected to this question. The accused, his counsel, the reporter, and the judge advocate withdrew and the commission was closed, and on being opened the president announced in their presence that the objection was sustained. To which ruling of the commission the defendants, by counsel, excepted.)

EXTRACTS FROM SPEECH OF "MOTHER" JONES ON LEVEE AT CHARLESTON ON AUGUST 1. 1912.

I want to say, without apology, without fear of the courts, without fear of jails, you have done what ought to have been done a long time ago. When—when a corporation which is bleeding you to death, would go and hire—send over the Nation and hire human bloodhounds to abuse your wife, your child, it is time every man in the State should rise.

I saw an inscription on your statehouse, and looked at it—because I know Virginia. I know the whole machine of capitalism; they locked me up and put me out of the State and shook their fists at me and told me not to come back again. I told them to go to hell, I will be back to-morrow.

You know the trouble with you fellows is that you get weak-kneed, and get a pain in your back, and then go home and are sick for a week.

Now, this fight, the governor can't stop it, the State militia can't stop it, and I want to say something to you. Don't get into conflict with the boys in the State militia.

(Cries of "Amen!" "Amen!")

I don't want one single man in the State militia hurt. I know what the militia is for. It is organized to shoot down the workers when they protest, in every nation of the world. But there are many workingmen in the militia, and I always deal with them—they are mine, anyhow. I am going to change them from the capitalists' interest over to my interest.

* * * * *

Let me say to you I don't want a single officer of the militia molested in any way. I am not going to say to you don't molest the operators. It is they who hire the dogs to shoot you. [Applause.] I am not asking you to do it; but if he is going to oppress you, deal with him. I am not going to take back water because I am here in the capital. No back water for me. No man lives on the face of God's earth that is oppressing my class that I am afraid of. [Loud applause.]

I want to say, my friends, here——

(Here the speaker took time to get up on top of a box which was in the bed of the wagon.)

I want to see if the guards are here.

You have it inscribed on the steps of your capitol, "Mountaineers are free." God Almighty, men, go down through this Nation and see the damnable, infamous condition that is there. In no nation of the world will you find such a condition. I look with horror when I see these conditions.

You gather up money to send to China to learn them to know more about Jesus. Jesus don't know any more about you than a dog does about his father. [Loud applause.]

I was in church one day when they raked in \$1,600, and at the same time they were robbing the representatives of Jesus to feed them who robbed them. You build churches and give to the Salvation Army and all the auxiliaries of capitalism and support them to hoodwink you.

But I want to say they will not be able to get an army in the United States big enough to crush us.

I was speaking to the manager in the ticket office in the far West, and I said: "I am going into West Virginia." I had been in 14 States with the strikers in each State. I said: "I am going into West Virginia, and there will probably be hell." He said: "Be quiet: a great many of us will be with you. Get all you can out of these thieves." I say to the policemen: "Get all the ammunition you can; get all the ammunition and lie quiet; for one of these days you will come over with us, and we are going to give the other fellows hell."

* * * * *

But the governor wasn't helpless when the operators asked him for two Gatling guns to murder the miners. [Loud applause.] He wasn't helpless then. The sheriff wasn't helpless then, my friends. Are we going to stand for the insults of the governor and public officers and see our children and wives thrown out and insulted by the corporation bloodhounds? I say, no; fight daily until the last minute. [Prolonged applause.]

We are not going to surrender. We are not going to destroy property, but we are going to do business with your bloodhounds. [Applause.]

* * * * *

You are to-day with the guard system. I will say, Mr. Operators, the day is going to come when you will say you wished you had never seen the face of a guard. We are law-abiding citizens, we will destroy no property, we will take no life, but if a fellow comes to my home and outrages my wife, by the eternal he will pay the penalty. I will send him to his God in the repair shop. [Loud applause.] The man who doesn't do it hasn't got a drop of revolutionary blood in his veins.

EXTRACTS FROM SPEECH OF HAROLD W. HOUSTON AT HOLLY GROVE, ON PAINT CREEK, AUGUST 4, 1912.

Government as it is constituted to-day is simply a committee representing the capitalist, and the legislative, executive, and judicial simply exist for keeping the wageworkers down while they go

through your pockets. I practice law to live, but these fellows have taught me a few things.

The real anarchists are the men in this country who hold the political offices now. Never before have I heard of men being put out of their homes by legal process without a court. Some of the miners have asked me if it is true. I have told them no. But some of you fellows have overruled me. I wish I could get hold of a copy of the contract that will put a man out of his home, held sacred in American law—how it is a man can put a man out of his home without giving him an opportunity to be heard in a court. They are the real anarchists, the real violators of the law.

We have told you that the militia is a part of the capitalist system of government. You may search the annals of history and you will never find a case wherein the army took the place of the working class. Go into the courts, which you are told are the bulwark of American liberty—you go there and ask to have your rights protected and the judge absconds or gets out of the country, and when you do get hold of him he is too cowardly to pass on your rights because he is a candidate for reelection.

I have had experience with courts. I try to be temperate, but it is very hard. I intended to talk mild until I came up this valley. And if it has that sort of effect on me what must it have upon you who have to live in it?

Most of the information I get I have to get it through the magazines. I have become in recent years almost what they call a "Haywardite." Some of the friends in the State say I must be removed from office because I believe in direct action. Gentlemen, I believe in action that gets results, and, as Bill Hayward says, "The more direct the better." You have done a little of it here, and I can't protest. What has happened here has done more to bring this thing to an issue to show the world what the miners of West Virginia have to put up with than all the literature you could have brought in here in 20 years. You might talk for 20 years to a man and try to show him—the churches and militia on the side of the capitalist class, and you never can convince him. Sometimes a crack of a club on his head can convince him, and you have had a little of that here, I understand.

* * * * *

We are going to have struggles in the future just as we are having them now, and even though you win every demand that you make now, and every demand you make in the future, boys, you never will end this thing, you will never end the slavery of the miners, you will never end this condition as long as the mines, put in the bowels of the earth by God himself, are privately owned by the labor skimmers who own them now.

* * * * *

Some of the boys asked me, "What are we going to do about running other men in here?" I don't know. All we can do is to wait. We want to try to be temperate. Heaven knows you have borne much in the past. You have borne more than could be expected of men. Let us resolve to fight this thing out if possible. There comes a time when peace will not serve. Let us try to fight this thing out peaceably. There has been some violence, but I am only

surprised that there hasn't been more. The world has respected you for it. It is simply a little direct action. [Laughter and applause.]

To tell you candidly, I don't want my hide punched with a bullet, but sometimes we have to use direct action. Sometimes a little force will do some good. The little bit you administered so far has had a very salutary effect. They have been the aggressors, they have forced this fight. By forcing it they have shown to all the world that the cause of the miners is just. [Applause.] People everywhere admit that your cause is just. The man who controls the militia of this State, Gen. Elliott, told me this morning that the cause of the miners was just and placed the blame on the coal operators for this situation. [Applause.]

My friends, I am anxious to see the result of this election. I am anxious to see how many of the working class are going to be fooled into voting for William Howard Taft, a man whose political ideas belong to the "Dark Ages." How many are going to vote for many-charactered Teddy Roosevelt, or how many are going to vote for Woodrow Wilson who attempted to get on the pension roll of Andrew Carnegie. How many toilers are going to vote against the only man running for President of the United States who is a union man, Eugene V. Debs. [Cries of "Hurrah for Debs."] A man who from his earliest days has fought for the cause of the working class. A man interrupted me at Princeton. He said I was preaching violence, and that the result would be that somebody would get their neck stretched. I replied to him that it was a thousand times better that a few necks should be stretched than that a great mass of the wage earners should live a life worse than hell itself. It took a sentence in jail to open the eyes of Eugene V. Debs. He belonged to an old party until Judge Grosscup sent him to jail, and then he got hold of literature which opened his eyes. The jails are becoming useful for the working class. The working class can go there, get a postgraduate course, and they will never forget the lesson they learn there.

We must not be afraid of jails. Sometimes a man gets more to eat on the inside than on the outside. At Moundsville recently I saw a bunch of men turned out. The first thing that struck my mind was that these fellows were out of a job. And I don't know how long they will be out of it.

We are in the fight now. Let us fight. You are making demands now. If you get it, even then you will only get a very small fraction of what your labor creates. If you got 10 times that amount you would lack a great deal of getting what is coming to you.

Give us a chance to make a few dollars for the boss and a few nickels for ourselves.

These demands don't stop there.

Bill Hayward told them at Lowell—they were demanding a 15 per cent raise—he said, "We want this now, and a little later we are going to ask for 15 per cent more, and then a little later we are going to ask for 15 per cent more, and we are going to keep on asking for 15 per cent more until we get it all." One of the big fat-jowled capitalists jumped up and said, "You are an anarchist; you are going to confiscate our property." Hayward said, "I am glad they

are coming to see the point." I have been telling you that for two years, and that must be our ultimate aim. Our ultimate goal is to get it all. When we get it all, then the boss has to go to work. That is the reason why the boss is opposed to us. He is opposed to work. I don't blame him. I believe, like Mr. Dooley, that a little work is all right—a little for the stomach's sake—but it will ruin any man who overindulges in it.

They say we are going to divide up. We have divided the proceeds; now let us divide the work in proportion to the proceeds.

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EXTRACTS FROM SPEECH OF "MOTHER" JONES AT MONTGOMERY ON AUGUST 4, 1912.

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This, my friends, is indicative of what? No church in the country could get up a crowd like this, because we are doing God's holy work; we are breaking the chains that bind you; we are putting the fear of God into the robbers. All the churches here and in heaven couldn't put the fear of God into them, but our determination has made them tremble.

What happened on Paint Creek? Did the church make the operators run and go into the cellar? [Applause.]

I don't know who started the racket, but I know that Mr. Operator began to shake, the marrow in his back melted, and he had to go into the cellar to hide himself.

* * * * *

Let me say to you, my friends, let me say to the governor, let me say to the sheriffs and judges in the State of West Virginia, this fight will not stop until the last guard is disarmed. [Loud applause.]

Forty thousand men, forty thousand braves, said to me, "We are ready for battle, Mother, if they don't do business." So we are, my friends, and the day of human slavery has got to end. Talk about a few guards who got a bullet in their skulls; the whole of them ought to have got bullets in their skulls. How many miners do you murder within the walls of your wealth-producing institutions? How many miners get their death in the mines?

* * * * *

Now, boys, we are facing the day when human liberty will be yours. I don't care how much martial law the governor of West Virginia proclaims. I have had martial law proclaimed where I was more than once, but I didn't stop fighting. When he pulled off his martial law I began it again, and he had to bring them back. Do you see how you can do the business? If they proclaim martial law, bury your guns. You can tell him that, if you see him. If the governor proclaims martial law, bury your guns. I have been up against it. They hauled me into court.

Stand by the militia; stand by the boys. Don't allow no guards to attack them. [Cries of "That is right; that is right."] Stand shoulder to shoulder with them.

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EXTRACT FROM SPEECH OF WILLIAM B. BENNETT AT MONTGOMERY ON AUGUST 4, 1912.

I believe I am the only judge in this State who has * * * growing out of the Baldwin-guard government. I don't belong to any of the coal operators of this country. They don't treat me very well. If I were theirs, they would be better to me. I don't know that one ever voted for me in all my political experience, and I have no faith now that they will. So if I am one of their children, they ought to treat me better than they have ever done before.

I wish I could talk louder and had more time.

This is an exceedingly important occasion. "Mother" Jones has touched on live questions which it would take a long time to describe, but for 5 or 10 minutes I want to talk, too, about one of these things. She talked about the militia. I am glad, exceedingly glad, she is here.

I say yet that I love my Government. I have respect for the militia of this State. I hope no man will ever do anything to disgrace that militia, that flag which waves about this great Government. Let the militia be quiet. Let these good militiamen—most of them have hard hands—be kind to them and don't hurt them. The men against whom we should have a spirit of self-defense is those who would enslave you, those who would trample upon your rights, wrong you. You should always have a spirit of self-respect that you will defend yourselves as brave men. [Cries of "That is it; that is it."]

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PROCEEDINGS OF MEETING HELD AT FRONT STEPS OF CAPITOL IN CHARLESTON ON AUGUST 15, 1912.

"MOTHER" JONES.

(Crowd of probably three or four hundred.)

Banners:

"Nero fiddled while Rome burned. That is what the governor of West Virginia is doing."

"Mountaineers are always free. Out of the State with the Baldwin murderers."

"No Russia for us. To hell with the guard system."

"Gaujot, king of the Baldwin murderers, leave the State or we'll hang your rotten carcass to a telegraph pole."

"Mother" JONES. This, my friends, marks, in my estimation, the most remarkable move ever made in the State of West Virginia. It is a day that will mark history in the long ages to come. What is it? It is an uprising of the oppressed against the master class.

From this day on, my friends, Virginia—West Virginia—shall march in the front of the Nation's States. To me, I think, the proper thing to do is to read the purpose of our meeting here to-day—why these men have laid down their tools, why these men have come to the statehouse.

To His Excellency WILLIAM E. GLASSCOCK.

Governor of the State of West Virginia:

It is respectfully represented unto your excellency that the owners of the various coal mines doing business along the valley of Cabin Creek, Kanawha

County, W. Va., are maintaining and have at present in their employ a large force of armed guards, armed with Winchesters, a dangerous and deadly weapon; also having in their possession three Gatling guns, which they have stationed at commanding positions overlooking the Cabin Creek Valley, which said weapons said guards use for the purpose of browbeating, intimidating, and menacing the lives of all the citizens who live in said valley, who are not in accord with the management of the coal companies, which guards are cruel, and their conduct toward the citizens is such that it would be impossible to give a detailed account of.

Therefore suffice it to say, however, that they beat, abuse, maim, and hold up citizens without process of law; deny freedom of speech, a provision guaranteed by the Constitution; deny the citizens the right to assemble in a peaceable manner for the purpose of discussing questions in which they are concerned. Said guards also hold up a vast body of laboring men who live at the mines, and so conduct themselves that a great number of men, women, and children live in a state of constant fear, unrest, and dread.

We hold that the stationing of said guards along the public highways and public places is a menace to the general welfare of the State. That such action on the part of the companies in maintaining such guards is detrimental to the best interests of society and an outrage against the honor and dignity of the State of West Virginia. [Loud applause.]

As citizens interested in the public weal and general welfare, and believing that law and order and peace should ever abide, that the spirit of brotherly love and justice and freedom should everywhere exist, we must tender our petition that you would bring to bear all the powers of your office as chief executive of this State for the purpose of disarming said guards and restoring to the citizens of said valley all the rights guaranteed by the Constitution of the United States and said State.

In duty bound, in behalf of the miners of the State of West Virginia.

I want to say, with all due respect to the governor—I want to say to you that the governor will not, can not, do anything, for this reason: The governor was placed in this building by Scott and Elkins and he don't dare oppose them. [Loud applause.] Therefore you are asking the governor of the State to do something that he can not do without betraying the class he belongs to. [Loud applause.]

I remember the governor in a State, when Grover Cleveland was perched in the White House—Grover Cleveland said he would send the Federal troops out, and the governor of that State said, "Will you? If you do, I will meet your Federal troops with the State troops, and we will have it out." Old Grover never sent the troops; he took back water. [Applause and cries of "Yes; he did."]

You see, my friends, how quickly the governor sent his militia when the coal operators got scared to death. [Applause.]

I have no objection to the militia. I would always prefer the militia, but there was no need in this county for the militia; none whatever. They were law-abiding people, and the women and children. They were held up on the highways, caught in their homes, and pulled out like rats and beaten up—some of them. I said, "If there is no one else in the State of West Virginia to protest, I will protest." [Loud applause, and cries of "Yes, she will; 'Mother' will."]

The womanhood of this State shall not be oppressed and beaten and abused by a lot of contemptible, damnable bloodhounds hired by the operators. They wouldn't keep their dog where they keep you fellows. You know that. They have a good place for their dogs and a slave to take care of them. The mine owners' wives will take the dogs up, and say, "I love you, dea-h" [trying to imitate by tone of voice].

Now, my friends, the day for petting dogs is gone; the day for raising children to a nobler manhood and better womanhood is here. [Applause and cries of "Amen! Amen!"]

You have suffered; I know you have suffered. I was with you nearly three years in this State. I went to jail; went to the Federal courts; but I never took any back water. I still unfurl the red flag of industrial freedom; no tyrant's face shall you know, and I call you to-day into that freedom—long perch on the bosom—[Interrupted by applause.]

I am back again to find you, my friends, in a state of industrial peonage—after 10 years' absence I find you in a state of industrial peonage.

The superintendent at Acme—I went up there, and they said we were unlawful—we had an unlawful mob along. Well, I will tell you the truth; we took a couple of guns because we knew we were going to meet some thugs, and by jimminy—[Interrupted by applause.]

We will prepare for the job, just like Lincoln and Washington did. We took lessons from them, and we are here to prepare for the job.

Well, when I came out on the public road the superintendent—you know the poor salary slave—he came out and told me that there were notaries public there and a squire—one had a peg leg—and the balance had pegs in their skulls. [Applause.]

They forbid me speaking on the highway, and said that if I didn't discontinue I would be arrested. Well, I want to tell you one thing, I don't run into jail, but when the bloodhounds undertake to put me in jail I will go there. I have gone there. I would have had the little peg-leg squire arrest me, only I knew this meeting was going to be pulled off to-day, to let the world know what was going on in West Virginia. When I get through with them, by the Eternal God, they will be glad to let me alone.

I am not afraid of jails. We build the jails, and when we get ready we will put them behind the bars. That may happen very soon; things happen overnight.

Now, brothers, not in all the history of the labor movement have I got such an inspiration as I have got from you here to-day. Your banners are history; they will go down to the future ages, to the children unborn, to tell them the slave has risen, children must be free.

The labor movement was not originated by man. The labor movement, my friends, was a command from God Almighty. He commanded the prophets thousands of years ago to go down and redeem the Israelites that were in bondage, and he organized the men into a union and went to work. And they said, "The masters have made us gather straw; they have been more cruel than they were before." "What are we going to do?" The prophet said, "A voice from heaven has come to get you together." They got together and the prophet led them out of the land of bondage and robbery and plunder into the land of freedom. And when the army of the pirates followed them the Dead Sea opened and swallowed them up, and for the first time the workers were free.

And so it is. That can well be applied to the State of West Virginia. When I left Cabin Creek 10 years ago to go to another ter-

rific battle field every man on Cabin Creek was organized—every single miner. The mine owners and the miners were getting along harmoniously; they had an understanding and were carrying it out. But they had some traitors who made a deal with the mine owners and the organization was driven out of Cabin Creek. There were no better miners in the whole State of West Virginia than on Cabin Creek, and no better operators in those days. You got along together. They were trying to make it happy and comfortable for you, but the demon came and tore the organization to pieces and you are at war to-day.

I hope, my friends, that you and the mine owners will put aside the breach and get together before I leave the State. But I want to say, make no settlement until they sign up that every bloody murderer of a guard has got to go. [Loud applause.]

This is done, my friends, beneath the flag our fathers fought and bled for, and we don't intend to surrender our liberty. [Applause.]

I have a document issued 18 years ago telling how they must handle the labor movement—pat them on the back; make them believe that they were your devoted friends. I hold the document, taken from their statement in Washington. It plainly states, "We have got to crucify them, but we have got to do it cunningly." And they have been doing it cunningly. But I want to say, in answer to your statements, that you are dealing with a different class of workers to-day than 18 years ago. We have begun education; we have educated the workers and you can't enslave them. They will come again, and you will either take to the ocean and get out of the Nation and leave us alone or you will settle right with us. [Loud applause.]

It is different now, my friends. It was Mark Hanna who said some years ago—the shrewdest politician America ever had—he said, "I want to tell you that before 1912 the Republican and Democratic Parties will be about to get their deathblow."

Never in the history of the United States was there such an upheaval as there is to-day. The politicians are cutting each other's throats, eating each other up; they are for the offices. Teddy, the monkey chaser, had a meeting in Chicago. He was blowing his skull off his carcass about race suicide. God Almighty, bring him down the C. & O. and he will never say another word about race suicide. The whole population seems to be made up out of "kids." Every woman has three babies in her arms and nine on the floor. So you will see there is no danger of race suicide. When he sees this he will keep his mouth shut on that.

See the condition we are in to-day. There is a revolution. There is an editorial in one of the papers in your own State showing how little they have done for the workers, that the workers are awakening. The literature is being circulated among them. I myself have circulated millions and millions of pieces of literature in this country and awakened the miners. On the trains they say, "Oh, Mother, you gave us a book that woke us up." As long as you woke up right, it is all right. He says, "I have woke up right." Then, if you woke up right, you are my children.

O you men of wealth! O you preachers! You are going over to China and sending money over there for Jesus. For God's sake, keep it at home; we need it. Let me tell you, them fellows are

owned body and soul by the ruling class, and they would rather take a year in hell with Elkins than ninety-nine in heaven. [Loud applause.] Do you find a minister preaching against the guards?

[Cries from the audience "They are traitors; moral cowards."] He will preach about Jesus, but not about the guards.

When we were crossing the bridge at Washington the bloodhounds were at the company store. These bloodhounds might have thrown me into the river and I wouldn't have known it. The men were hollering "Police! Police!" I said, "What is the matter with you?" They said, "O God! Murder! Murder!" Another one came out, and his feet never touched the sidewalk.

My boys came running to me and said, "Oh, Mother, they are killing the boys." The traction car turned the corner. I said, "Call them boys here." Then they went; they thought I had an army with me. Then I picked up a boy streaming with blood where the hounds had beat him.

You are to blame. You have voted for the whole gang of commercial pirates every time you get a chance to free yourselves.

It is time to clean them up.

[Cries of "She is right; she is right!"]

If this Nation is to march onward and upward, the day of change is here.

I had been reading of the *Titanic* when she went down. Did you read of her? The big guns wanted to save themselves, and the fellows that were guiding below took up a club and said, "We will save our people." And then the papers came out and said those millionaires tried to save the women. O, Lord, why don't they give up their millions if they want to save the women and children? Why do they rob them of home; why do they rob millions of women to fill the hell holes of capitalism?

I realize—I remember what they did to me—the Guggenheims—I remember what the Guggenheim bloodhounds did to me one night in Colorado. They went to the hotel after we had organized the slaves. I took the 4 o'clock train for the southern fields, and the bloodhounds, the chief of police, and the whole gang of commercial bloodhounds came up to the hotel and went to the register to find my room, and the hotel keeper said that I had left at 4 o'clock. We had a meeting that night. They took a fellow and drove him down the street barefooted and put him on the train and told him never to come back. And we are very civilized! They don't do that in Russia; it is in America.

They took me and put me in jail—I had the smallpox—I had the Helen Gould smallpox covering me all over. And at 4 o'clock in the morning they came and the bloodhounds—Helen Gould's bloodhounds—and they bound 400 miners in Colorado for gold, and threw their widows and orphans out on the highways in the snow. When I was fighting the battle with those wretches they put me into a pen which you built, a pesthouse, it was burned down before morning, it wasn't worth 50 cents. We went down by a store, and the storekeeper said, "God Almighty, put us down in the cellar and they won't know us, put the dirty clothes on us—when them dirty clothes found out that there was such a lot of rotten carcasses under them, the dirty clothes turned over." [Applause and laughter.]

If your sheriff had done his duty as a citizen of this State and according to his oath, he would have disarmed the guards and then there would have been no more trouble.

(Cries of: "That is right, that is right.")

Just make me governor for one month. I won't ask for a sheriff or policeman, and I will do business, and there won't a guard stay in the State of West Virginia. [Applause.] The mine owners won't take 69,000 pounds of coal in dockage off of you fellows. Sixty-nine thousand pounds of coal they docket you for, and a few pounds of slate, and then they give to Jesus on Sunday.

They give your missionary women a couple of hundred dollars and rob you under pretense of giving to Jesus. Jesus never sees a penny of it, and never heard of it. They use it for the women to get a jag on and then go and hollow for Jesus.

I wish I was God Almighty, I would throw down something some night from heaven and get rid of the whole blood-sucking bunch. [Laughter and applause.]

I want to show you here that the average wages you fellows get in this country is \$500 a year. Before you get a thing to eat there is \$20 taken out a month, which leaves about \$24 a month.

Then you go to the "pluck-me" stores and want to get something to eat for your wife, and you are off that day, and the child comes back and says, "Papa, I can't get anything." "Why," he says, "There is \$4 coming to me." The child says, "They said there was nothing coming to you." And the child goes back crying without a mouthful of anything to eat. The father goes to the "pluck-me" store and says to the manager, "There is \$4 coming to me," and the manager says, "Oh, no; we have kept that for rent." "You charge \$6 a month, and there are only three days gone." "Well," he says, "it is a rule that two-thirds of the rent is to be kept if there is only one day."

That is honesty. Do you wonder these women starve? Do you wonder at this uprising? And you fellows have stood it entirely too long. It is time now to put a stop to it. We will give the governor until to-morrow night to take them guards out of Cabin Creek.

(Very loud applause, and cries of: "And no longer.")

Here on the steps of the Capitol of West Virginia, I say that if the governor won't make them go then we will make them go.

(Loud applause, and cries of "That we will," "Only one more day," "The guards have got to go.")

We have come to the chief executive, we have asked him, and he couldn't do anything. [Laughter.]

The prosecuting attorney is of the same type—another fellow belonging to the ruling class. [Applause and murmurings in the crowd.] Hush up there, hush up, hush up.

I want to tell you that the governor will get until to-morrow night, Friday night, to get rid of his bloodhounds, and if they are not gone, we will get rid of them. [Loud applause.]

Aye men, aye men, inside of this building, aye women, come with me and see the horrible pictures, see the horrible condition the ruling class has put these women in. Aye, they destroy women. Look at those little children, the rising generation, yes, look at the little ones,

yes, look at the women assaulted. Some one said that that place ought to be drained up there. The mine owner's home is drained; the superintendent's home is drained. But I want to ask you, when a man works 10 or 11 hours in the foul gas of the mine day after day, if he is in condition to come out and drain.

[Cries of "Not on your life; no."]

I have worked, boys, I have worked with you for years. I have seen the suffering children, and in order to be convinced I went into the mines on the night shift and day shift and helped the poor wretches to load coal at times. We lay down at noon and we took our lunches and we talked our wrongs over, we gathered together at night and asked "How will we remedy things?" We organized secretly, and after a while held public meetings. We got our people together in those organized States. To-day the mine owners and the miners come together. They meet each other and shake hands, and have no more war in those States, and the workmen are becoming more intelligent. And I am one of those my friends, I don't care about your woman suffrage and the temperance brigade or any other of your class associations, I want women of the coming day to discuss and find out the cause of child crucifixion, that is what I want to find out.

I have worked in the factories of Georgia and Alabama, and these bloodhounds were tearing the hands off of children and working them 14 hours a day until I fought for them. They made them put up every Saturday money for missionary work in China. I know what I am talking about. I am not talking at haphazard, I have the goods.

Go down, men of to-day, who rob and exploit, go down into hell and look at the ruins you have put there, look at the jails. We pay \$6,000,000 a year to chain men like demons in a bastille—and we call ourselves civilized. Six million dollars a year we pay for jails, and nothing for education.

I have been in jail more than once, and I expect to go again. If you are too cowardly to fight, I will fight. You ought to be ashamed of yourselves, actually to the Lord you ought, just to see one old woman who is not afraid of all the bloodhounds. How scared those villains are when one woman 80 years old, with her head gray, can come in and scare hell out of the whole bunch. [Laughter.] We didn't scare them? The mine owners run down the street like a mad dog to-day. They ask who started this thing. I started it, I did it, and I am not afraid to tell you if you are here, and I will start more before I leave West Virginia. I started this mass meeting to-day, I had these banners written, and don't accuse anybody else of the job. [Loud applause.]

It is freedom or death, and your children will be free. We are not going to leave a slave class to the coming generation, and I want to say to you that the next generation will not charge us for what we have done; they will charge and condemn us for what we have left undone. [Cries of "That is right."]

You have got your bastille. Yes; we have no fears of them at all. I was put out at 12 o'clock at night—and landed with 5 cents in my pocket—by seven bayonets in the State of Colorado. The governor told me—he is a corporation rat, you know—he told me never to come

back. A man is a fool, if he is a governor, to tell a woman not to do a thing. [Loud applause, and cries of "Tell them again; tell them about it."]

I went back next day and I have been back since the fight, and he hasn't bothered me. He has learned it won't do to tamper with women of the right metal. You have a few cats [mocking]—they are not women, they are what you call ladies. There is a difference between women and ladies. The modern parasites made ladies, but God Almighty made women. [Applause and cries of "Tell us one more."]

Now, my boys, you are mine; we have fought together, we have hungered together, we have marched together, but I can see victory in the Heavens for you. I can see the hand above you guiding and inspiring you to move onward and upward. No white flag—we can not raise it; we must not raise it. We must reedeem the world.

Go into our factories, see how the conditions are there, see how women are ground up for the merciless money pirates, see how many of the poor wretches go to work with crippled bodies. I talked with a mother who had her small children working. She said to me, "Mother, they are not of age, but I had to say they were; I had to tell them they were of age so they could get a chance to help me to get something to eat." She said after they were there a little while, "I have saved \$40, the first I ever saw. I put that into a cow and we had some milk for the little ones." In all the years her husband had put in the earth digging out wealth, he never got a glimpse of \$40 until he had to take his infant boys, that ought to go to school, and sacrifice them.

If there was no other reason that should stimulate every man and woman to fight this damnable system of commercial pirates. [Cries of "Right, right."] That alone should do it, my friends.

Is there a committee here? I want to take a committee of the well-fed fellows and well-dressed fellows; I want to present this to the governor. Be very polite. Don't get on your knees. Get off your knees and stand up. None of these fellows are better than you, they are only flesh and blood—that is the truth.

(Committee formed around "Mother" and start into the capitol building.) These fellows all want to go and see the king. [Laughter.]

I will give the press a copy of this resolution and this petition, that was given to the governor.

Now, my boys, guard rule and tyranny will have to go; there must be an end. I am going up Cabin Creek. I am going to hold meetings there. I am going to claim the right of an American citizen. I was on this earth before these operators were. I was in this country before these operators. I have been 74 years under this flag. I have got the right to talk. I have seen its onward march. I have seen the growth of oppression, and I want to say to you, my friends, I am going to claim my right as a citizen of this Nation. I won't violate the law; I will not kill anybody or starve anybody; but I will talk unsparingly of all the corporation bloodhounds we can bring to jail. [Laughter.]

I have no apologies to offer. I have seen your children murdered; I have seen you blown to death in the mines, and there was no redress. A fellow in Colorado says, "Why don't you prop the mines?"

The operator said, "Oh, hell; Dagoes are cheaper than props!" Every miner is a Dago with the blood-sucking pirates, and they are cheaper than props, because if they kill a hundred of you, well, it was your fault; there must be a mine inspector kept there.

The night before the little Johnson boys were killed the mine inspector—John Laing is a mine owner; he wouldn't inspect them—the mine inspector went there and said the mines are propped securely. The next morning the little Johnson children went to work, and when they were found their hands were clasped in their dinner buckets with two biscuits.

You work for Laing day after day. He is a mine inspector, but he wouldn't be if I had anything to say about it. He would take a back seat.

Boys, I want to say to you, obey the law. Let me say to the governor and let me say to the mine owners—let me say to all people—that I will guarantee there will be no destruction of property.

In the first place, that is our property. It is inside where our jobs are. We have every reason to protect it. In the mines is where our jobs are. We are not out to destroy property; we are out to preserve and protect property, and I will tell you why. We are going to get more wages and we are going to stop the docking system. Put that down. Your day for docking is done. Stop it. If they don't stop it, we will. [Cries of "Good!" "Good!"]

We'll take care of the property; there will be no property destroyed. [Cries of "Not a bit!"]

Not a bit; and if you want your property protected these miners will protect it for you, and they won't need a gun. [Cries of "It is our interest to do so!"]

We will protect it at the risk of our lives. I know the miners; I have marched with 10,000—20,000—and destroyed no property. We had 20,000 miners in Pennsylvania, but destroyed no property.

They used to do that years ago, but after we have educated them they saw that violence was not the idea. We stopped it; we organized; we brought them to school once again. I will tell you why we are not going to destroy your property, Mr. Governor: Because one of these days we are going to take over the mines. [Loud applause.]

That is what we are going to do; we are going to take over those mines.

The Government has a mine in North Dakota. It works eight hours—not a minute more. There are no guards, no police, no militia. The men make \$125 a month, and there is never any trouble at that mine. Uncle Sam is running the job, and he is a pretty good mine inspector. [Cries of "Tell it, mamma; I can't!"]

There used to be, when I was in Illinois before, a bunch of these black brutes down at Arbuckle, and we had them organized. There was a fellow whose name was "Sy." We have them in the miners' union, as well as in the mines. I asked them whether they were grafting in the union—they got \$10 a piece each month, \$20 in all. I went down and when they came up reading the financial statement and all those \$10 were read, I said, "What is the \$10 going for?" They told me. I said, "Get out of camp, I have no use for grafters."

We have them in the union. They have learned the lesson from the mine owners. There was a good old darkey there, and said,

"Oh," said Sy, "I done talked to the Lord for a week, and the Lord jest come and whispered in my ear last night, and said, 'Sy, Sy, Sy, I have done had a talk with "Mother" about that graft. Come down to-morrow night,' I said, "O, Lord Jesus, don't fail to let 'Mother' come," and I went. He said "Jesus didn't lie. Jesus said, 'Mother' come here sure, she take care of that money, and wouldn't let them fellows get it for nothing." At once the fellows said Amen.

So we put a stop to the graft. We have a lot of grafters, too. It is a disease. We have learned the game from the fellows above.

I want you to listen a moment. I want the business men to listen. You business men are up against it. There is a great revolution going on in the industrial world. The Standard Oil Co. owns 86 great department stores in this country. The small business man is beginning to be eliminated. He has got to get down, he can't get up. It is like Carnegie said before the Tariff Commission in Washington. "Gentlemen, I am not bothered about tariff on steel rails." He says, "What concerns me and my class is the right to organize."

The day for the small man is gone, and the day to rise is not here. We want the right to organize. Carnegie said that in a few years—he went into the business with five thousand—he took seven thousand five hundred. He said he knew the time was ripe for steel bridges, and they went into it. He closed out his interest for \$300,000,000.

Do you wonder that the steel workers are robbed? When one thief alone can take \$300,000,000 and give to a library—to educate our skulls because you didn't get a chance to educate them yourselves.

A fellow said, "I don't think we ought to take those libraries." Yes, take them, and let him build libraries in every town in the country. It is your money. Yet he comes and constructs those libraries as living monuments reddened with the blood of men, women, and children that he robbed.

How did he make \$300,000,000? Come with me to Homestead, and I will show you the graves reddened with the blood of men, women, and children. That is where we fixed the Pinkertons, and they have never rose from that day to this. And we will fix the Baldwins in West Virginia.

The Pinkertons were little poodle dogs for the operators. We will fix the Baldwins just the same.

Some fellow said, "You are talking on the porch of the statehouse." That is the very place I want to talk, where what I say will not be perverted.

Senator Dick said, when I met him, "I am delighted to see you, 'Mother' Jones." I said, "I am not delighted to see you." He said, "What is the matter?" I said, "You have passed the Dick military bill to shoot my class down, that is why I wouldn't shake hands with you." That is the way to do business with those fellows. All the papers in the country wrote it up, and he was knocked down off his perch. I will knock a few of these Senators down before I die. [Cries of "Tell it, 'Mother'; I heard it."]

I will tell you. I want you all to be good. [A voice, "Yes; I will." "We are always good."]

They say you are not, but I know you better than the balance do.

Be good; don't drink, only a glass of beer. The parasite blood-suckers will tell you not to drink beer, because they want to drink it

all, you know. They are afraid to tell you to drink for fear there will not be enough for their carcass. [Cries of "The governor takes champagne!"]

He needs it. He gets it from you fellows. He ought to drink it. You pay for it, and as long as he can get it for nothing, any fellow would be a fool not to drink it.

But I want you to be good. We are going to give the governor until to-morrow night. He will not do anything. He could if he would, but the fellows who put him in won't let him. [Cries of "Take him out."]

I don't want him out, because I would have to carry him around. [Applause.]

I want you to keep the peace until I tell you to move, and when I want you every one will come. [Loud applause.]

Now, be good. I don't tell you to go and work for Jesus. Work for yourselves; work for bread. That is the fight we have got. Work for bread. They own our bread.

This fight that you are in is the great industrial revolution that is permeating the heart of men over the world. They see behind the clouds the star that rose in Bethlehem nineteen hundred years ago, that is bringing the message of a better and nobler civilization. We are facing the hour. We are in it, men, the new day; we are here facing that star that will free men and give to the Nation a nobler, grander, higher, truer, purer, better manhood. We are standing on the eve of that mighty hour when the motherhood of the Nation will rise, and instead of clubs or picture shows or excursions, she will devote her life to the training of the human mind, giving to the Nation great men and great women.

I see that hour. I see the star breaking your chains; your chains will be broken, men. You will have to suffer more and more, but it won't be long. There is an awakening among all the nations of the earth.

I want to say, my friends, as Kipling said: He was a military colonel or general in the British Army, and he said:

We have fed you all thousands of years,
And you hall us yet unfed.
There is not a dollar of your stolen wealth
But what marks the graves of workers dead.
We have given our best to give you rest;
You lie on your silken fold.
O, God, if that be the price of your stolen wealth
We have paid it o'er and o'er.

There is never a mine blown skyward now,
But our boys are burned to death for gold;
There is never a wreck on the ocean
But what we are its ghastly crew.
Go count your dead by the forges rail
Of the factories where your children lie;
O, God, if that be the price of your stolen wealth,
We pay it a thousand fold.

We have fed you all for thousands of years;
That was our doom, you know,
Since the days they chained us on the field,
Till the fight that is now on over the world.
Aye, you have beaten our lives, our babies and wives,
In chains you naked lie.
O, God, if that be the price we pay for your stolen wealth,
We have paid it o'er and o'er.

We are going to stop payment. I want you to quit electing such judges as you have been. This old judge you had here, he used to be

your lawyer. When this fight was on he was owned by the corporations. When you wanted him he went off fishing and got a pain in his back. Elect judges and governors from your own ranks.

A doctor said to me in Cincinnati, "Did you ever graduate from a college, Mother Jones?" I said, "I did." He said, "Would you mind telling me?" "No," I said, "I graduated from the college of hard knocks." That is my college: I graduated from that college—hunger, persecution, and suffering—and I wouldn't exchange that college for all the university dudes on the face of God's earth. [Loud applause.]

I know of the wrongs of humanity; I know your aching backs; I know your swimming heads; I know your little children suffer; I know your wives, when I have gone in and found her dead and found the babe nursing at the dead breast, and found the little girl 11 years old taking care of three children. She said, "Mother, will you wake up, baby is hungry and crying?" When I laid my hand on mamma she breathed her last. And the child of 11 had to become a mother to the children.

Oh, men, have you any hearts? Oh, men, do you feel? Oh, men, do you see the judgment day on the throne above, when you will be asked, "Where did you get your gold?" You stole it from these wretches. You murdered, you assassinated, you starved, you burned them to death, that you and your wives might have palaces, and that your wives might go to the seashore. Oh God, men, when I see the horrible picture, when I see the children with their hands off, when I took an army of babies and walked a hundred and thirty miles with a petition to the President of the United States, to pass a bill in Congress to keep these children from being murdered for profit. He had a secret service then all the way to the palace. And now they want to make a President of that man! What is the American Nation coming to?

Manhood, womanhood, can you stand for it? They put reforms in their platforms, but they will get no reform. He promised everything to labor. When we had the strike in Colorado he sent 200 guns to blow our brains out. I don't forget. You do, but I don't. And our women were kicked out like dogs at the point of the bayonet. That is America. They don't do it in Russia. Some women get up with \$5 worth of paint on their cheeks and have tooth brushes for their dogs and say, "Oh, them horrible miners," "Oh, that horrible old Mother Jones, that horrible old woman."

I am horrible, I admit, and I want to be to you blood-sucking pirates.

I want you, my boys, to buckle on your armor. This is the fighting age; this is not the age for cowards; put them out of the way.

(At this point "Mother" stopped suddenly and said to some one in the crowd: "Say, are you an operator, with that cigar in your grub?")

Take your medicine, because we are going to get after you, no doubt about it. [Cries from the crowd "Give it to them!"] Yes, I will. [Cries again "Give it to them!"]

I want you to be good. Give the governor time until to-morrow night, and if he don't act then it is up to you. We have all day Saturday, all day Sunday, all day Monday, and Tuesday, and Wednesday if we need it.

We are used to living on little, we can take a crust of bread in our hands and go.

When they started that Civic Federation in New York they got women attached to the Morgan and Rockefeller joint, they wanted to revolutionize the mechanics in Washington. One day I went to their dinner. An Irishman, a machinist, rolled up his sleeves and ran into a restaurant and got a piece of bologna as long as my arm—you know it is black. He got some bread. He put a chunk of the bologna into his mouth and put some bread in his mouth and went out eating. One of these women came along and said, "Oh, my man, don't eat that, it will ruin your stomach; it will give you indigestion." He said, "Oh, hell, the trouble with my stomach is I never get enough to digest."

That is the trouble with half our stomachs. We don't get enough to digest, and when we do get something we are afraid to put it in lest it won't digest.

Go to the "pluck-me" store and get all you can eat. Then you say to "Mirandy"—you say, "O, God, I have a pain in my stomach." You wash yourself, and she holds the water. The mine owner's wife don't hold the water. "Oh, Mirandy, bring the linen to take the corporation hump off my back."

I can't get up to you. I would like to be there, I would give you a hump on your back.

Boys, stay quiet until to-morrow night. I think it would be a good thing to work to-morrow, because the mine owners will need it. The mine commissioner will get a pain in his skull to-night and his wife will give him some "dope." The mine owner's wife is away at the seashore. When she finds no more money coming she will say, "Is there any more money coming?" He will say, "Most of the miners are not working." She will say, "Take the guards and shoot them back into the mines, those horrible fellows."

The governor says, if you don't go to work, said he, in the mines or on the railroads I am going to call the militia, and I will shoot you. So we went. I said we can get ready too. What militia can you get to fight us? Those boys on Paint Creek wouldn't fight us if all the governors in the country wanted you to. I was going yesterday to take dinner with them, but I had something else to do. I am going some day to take dinner with them, and I will convert the whole bunch to my philosophy. I will get them all my way.

Now, be good, boys. Pass the hat around, some of these poor devils want a glass of beer. Get the hat. The mine owner robs them. Get a hat, you fellows of the band.

I want to tell you another thing. These little two by four clerks in the company stores, they sell you five beans for a nickle, sometimes three beans for a nickle. I want to tell you, be civil to those. Don't say anything.

Another thing I want you to do: I want you to go in regular parade, three or four together. The moving-picture man wants to get your picture to send over the country.

(Some one in the crowd asks what the collection is being taken for.)

The hat is for the miners who came up here broke, and they want to get a glass of beer. [Loud applause.]

And to pay their way back—and to get a glass of beer. I will give you \$5. Get a move on and get something in it.

This day marks the forward march of the workers in the State of West Virginia. Slavery and oppression will gradually die. The National Government will get a record of this meeting. They will say, my friends, this was a peaceful, law-abiding meeting. They will see men of intelligence, that they are not out to destroy but to build. And instead of the horrible homes you have got we will build on their ruins homes for you and your children to live in, and we will build them on the ruins of the dog kennels which they wouldn't keep their mules in. That will bring forth better ideas than the world has had. The day of oppression will be gone. I will be with you whether true or false. I will be with you at midnight or when the battle rages, when the last bullet ceases, but I will be in my joy, as an old saint said:

O, God, of the mighty clan,
 God grant that the woman who suffered for you,
 Suffered not for a coward, but oh, for a man.
 God grant that the woman who suffered for you,
 Suffered not for a coward, but oh, for a fighting man.

[Loud applause.]

Bring the hat in. Is that all you got? [As the hat was handed to her.] "That is all I got."

Go out and get some more; that is not enough to go on a strike.

Any of you big fellows got any money in your pockets? If you have shell it out or we will take it out.

(A man coming up out of the crowd: "Here is \$10. I will go and borrow more. Shake hands with me, an old union miner. My children are able to take care of themselves, and I will take care of myself. Fight, fight, right. I have a good rifle, and I will get more money. If I don't have enough to pay my railroad fare I will walk. I don't care if this was the last cent I had, I will give it to 'Mother' and go and get some more.")

Maybe the governor will give something.

(Cries of "Call him out.")

(Governor, governor, governor.)

The governor is sick. He can't come out. [Applause.]

(Cries of "Better stay sick.")

Hand in the money. [From some one, "The governor is sick."]

MOTHER. Yes; he has got a pain in his stomach.

Go over and form a parade, the moving-picture man wants to take a picture. Go ahead and arrange the parade. Get out and get them in line.

(Cries of "Gov. Glasscock.")

Hush up, the poor fellow is sick.

(Cries for "Houston, Houston.")

(Cries of "Gone to the hospital.")

Now, let us go home. Be good boys. I am coming down to the camps and see you.

(The crowd did not disperse, but waited until some one got up on the box. The writer learned that his name was Walter Deal, who made a speech.)

MR. WALTER DEAL. Attention! Now, then, I want to know the object of the meeting. I don't know whether there is any more orders to-day to present or not. However, I want to say, gentlemen, that the business of this meeting has been duly outlined, and I don't believe there is a man or boy or girl in the city of Charleston but

what understands the object of this meeting and why it has been called.

This meeting has been called on and in behalf of the interest of every American citizen in the State of West Virginia. [Cries of "That is right."] In the interest, gentlemen, of the unborn, rising generations to come. [Cries of "Yes."]

I want to say to you, fellow citizens, that the guard system that has been instituted in the State of West Virginia is a disgrace to the Constitution of the United States and a disgrace to this State of West Virginia. [Loud applause.]

I want to say to you, gentlemen, that the Constitution of the United States and that honorable flag that you have been bragging and boasting of in years gone by and centuries gone by is trailing in the dust. [Cries of "Right, right."]

The Constitution of the United States has been disgraced by the thugs in the United States and by the Baldwin guards [applause], and you know it to be a fact.

Now, then, gentlemen, I want to serve notice on the citizens here in the State of West Virginia that the guard system in this State has come to a close for one time, now and eternally. [Loud applause.]

The guard system in this State has served its time.

[Cries of "If the governor can't remove them we will."]

I want to say, gentlemen, that there is not an American citizen in the State of West Virginia who loves liberty and loves freedom, loves his wife and loves his children, but what will rise in the defense of this great Nation under the present contaminated system.

[Cries of "Tell them about it."]

Gentlemen, I am a red brush shaver, raised in the mountains of West Virginia, born and reared in this State. They boast about free America and talk about the Stars and Stripes, and then allow the penitentiary convicts that have been paroled out of the penitentiary—allow them to intimidate, maim, and beat up the citizens of the State.

[Loud applause; cries of "Hit them again."]

There is not a Baldwin guard in this State that has ever been arrested and brought to justice for violating the laws of the State.

I will tell you, gentlemen, it is enough to make your forefathers, who fought and bled for liberty, rise up from their graves in defense of this great Nation.

[Cries of "Go on and tell it."]

Now then, gentlemen, the ingathering of the citizens of the State of West Virginia here in the town of Charleston, I want to say to you that this ingathering means something.

[Cries of "You bet it does."]

Talk about relieving the contaminated system in the State of West Virginia by allowing the Baldwin thugs to remain here and intimidate, maim, and beat up the citizens of the State!

Now, then, gentlemen, I have the key to the entire situation. There is only one way by which that peace can be restored to the State of West Virginia, and that is to get rid of the guard system. [Applause.]

Whenever the State officials withdraw the Baldwin guards out of this State, I want to say to you that liberty and freedom will reign and rule so plainly everywhere.

(Cries of "Good," "right," "God bless you, tell it.")

And not until such time as those guards are removed will war cease to exist in the State of West Virginia.

(Loud applause and cries of "Never cease.")

We will remove them.

(Cries of "We will remove them.")

The operators say that in the Kanawha district they have employed those Baldwin guards for the purpose of protecting their coal property. I want to dispute that statement. They are not employed for that at all, nor is that the object of having those fellows employed here.

(Cries of "We have got guns." "I am a good shot.")

They have been employed, they are kept and held in the Mountain State, paid by the operators in the State of West Virginia, for the purpose of intimidating, maiming, and beating up the citizens in the State and fastening the bondage daggers upon your necks until such time as will squash the lives out of every working man in the United States from the Atlantic to the Pacific Ocean.

(Loud applause and cries of "We will get them.")

Miners in the State of West Virginia, I want to say to you, you are not going to destroy any of the operators' property in this State—["That is not the intention."—that is not the intention—"No, no."—of the miners in this State.

Now then, gentlemen, I want it distinctly understood by these State officials that unless the guard system is wiped out of this State that the American citizens is not going to stand for the system any longer.

(Applause and cries of "Never, never.")

And by the eternals, if the governor and State officials can't remove those guards, just let them leave it to the citizens, the boys, in this State of West Virginia, and by the livings we can remove them. [Loud applause.]

I don't care, as I am individually concerned, whether they remove them or not.

(Cries of "One more week!" "One more week!")

I will tell you, gentlemen, the time has come when the American working people are going to emerge out of the darkness into the marvelous light and liberty. There is no use in crawfishing or side-tracking the issue.

(Cries of "No; tell it to them!")

And if the operators in the State of West Virginia think that they are going to be able to stamp out the organization in the State guard system I want to say to the American citizens, and to them as well, that they had just as well go away back and sit down and cross their legs and watch the movement grow. The organization in the State of West Virginia has come here to stay.

Gentlemen, we have nothing to lose. By the Lord God Almighty, no. We have the entire world to gain.

(Applause and cries of "Yes!")

We are the fellows who elect those State officials; and, by the eternals, we demand protection under the Constitution of this the United States. ["That is what!"]

(Some one in the audience: "I voted for him, but pardon me this time.")

Gentlemen, I don't only demand protection under the Constitution of this the United States, but, gentlemen, we are going to see that we have it. [Loud applause.]

By the livings, we are going to make you respect us whether you want to or not.

(From the audience: "Put it to them!" "Last day of grace!" "Pour it on him; he is not sick!")

I will tell you, gentlemen, there is no man in the State of West Virginia that understands the contaminated, damnable conditions that exist in the State any more than I do. The guard system is, as was said a while ago, a disgrace to the unborn rising generation.

(Cries of "Unborn; sure!")

Lord God, gentlemen, I want to say to you, there is not a man or boy in the State of West Virginia who loves liberty and loves freedom that will stand for the infernal system any longer.

(From the audience: "Last night!" "Last day!")

I know, gentlemen, that it is not worth my while to try to address you citizens any longer, but I just naturally want to serve notice on the State officials that the American citizen has appealed to the officials in the State for the last time.

(Loud applause and cries of "Tell him about it!")

Gentlemen, with those few remarks, I am going to bid you all adieu.

Now, I want to find out whether or not the governor, Mr. Glasscock, wants to address these American citizens or not.

(Cries of "We will stay here all day!")

Everybody remain quiet and listen to your "pa" while he talks to you. [This was spoken on the supposition that the governor was going to come out and address the people.]

("We are waiting on the governor. Is he coming?" "Send a committee after him. Who will go?" A committee volunteered.)

Fellow citizens, I am not a natural-born orator nor a minister, from the fact that I haven't been as yet ordained, but listen:

They sent the militia over here in order to relieve the situation, they call it. Listen: If they wanted to relieve the situation in the State of West Virginia, why in the devil didn't they go to work and remove the guards out of the State? [Loud applause.] And then we wouldn't have had no use for the militia in the State.

I, as an American citizen, haven't got no crow to pick with the militia at all. From what I can find out in regard to the militia the majority of the boys are workers; they are men after my own heart. [Loud applause.]

(Cries of "Hurrah for the militia!")

I want to say, gentlemen, that the miners in the State of West Virginia ain't going to molest nor hurt the militia of the State. Uncle Sam's boys, they belong to you. [Loud applause.]

I am glad, gentlemen, that the militia are here. I hope to God they will send across the continent and get some more of them. [Laughter.] We haven't got enough militia in the State of West Virginia yet.

(Cries of "Hurrah!" "It gives backbone to the miners!")

They talk about the riot on Paint Creek. It is wonderful, aint't it? They run, run, clean across the continent like whipped spaniels.

One of the first riots we had in this State of West Virginia was back in Raleigh County on Piney, at Stanford. Who in the devil caused that riot, gentlemen? It was the Baldwin guards caused the first riot in the State of West Virginia, and you know it. ("Tell it to them!") Dan Cunningham led the Scott Baldwin guns at Stanford and broke into the miners' camp at the dawn of day and shot into the miners and killed and maimed and beat them up—killed seven—the property was owned by the miners, too.

Now, gentlemen, there is no use for the governor of this State to say that everything is lovely and that the kite is hanging high in the canopy of heaven, because I have seen it floating nowhere in the heaven above.

No; she is not going to float until such time as the guards are removed out of the State.

(Cries of "Tell it to them!")

Now, then, gentlemen—

(Interrupted by the committee coming to report.)

SPOKESMAN FOR THE COMMITTEE: Gentlemen and brothers, I am a coal digger, and have been for 30 years. I volunteered to serve on the committee to go and talk to the governor—it is a great honor.

He, what you might say, refused, positively refused, to talk, but said, "I will talk to a committee." He said, "Send a committee to me between now and 8 o'clock and I will tell them what I will do."

(Cries of "We will wait all night.")

He said, "I am engaged in another meeting here. I am engaged, my boys, in another meeting here. I will report to you between now and 8 o'clock what I will do by the situation of the miners in this valley." That is as I understood it. "I am engaged in another meeting here to-day; send a committee to me—one, two, or three." He positively refused to meet us.

I am a miner boy, and have been a miner for 30 years.

He says, "Send a committee; I will meet a committee, but I am engaged in another meeting; I can't meet you, but send a committee. I will meet you between now and 8 o'clock to-night."

ANOTHER ONE OF THE COMMITTEE. The governor said at 8 o'clock he would meet any committee that this body of men would appoint, and at 8 o'clock to please send them back. He is now engaged in addressing a hundred men of the chamber of commerce. And, gentlemen, he said it was impossible for him to delay that chamber of commerce.

[Cries of "They ought to bring him out." "Just go in and bring him out."]

Mr. DEAL (again on the box). Order, order, gentlemen! Everybody get quiet and listen.

[Cry of "Tell us something."]

Now, then, gentlemen, I want to know the desires of you men.

[Cry of "That is it."]

I am supposed to serve you, gentlemen, and not any one man.

[Cry of "Send a committee."]

Now, listen: The governor, Mr. Glasscock, says he is willing to meet a committee at a later date, or in case we want to prolong this meeting that he will meet the body of men.

[Cries of "Meet the body." "Meet the body." "We are all one man."]

Now then, gentlemen, everybody listen. In order to settle this difficulty I believe, gentlemen, it is necessary and essential to make a motion.

(Some one moved to appoint a committee of 12, and that they be appointed by the chairman to wait upon the governor. Some one in the crowd: "If he can meet 12 men he can meet a body of you men." Cries of "That is right." "That is right." "There ain't no one going to hurt him or lay his hand on him.")

He said that if we would prolong this meeting he would meet us as a body.

From the crowd: "Will he do that to-night?"

I wish to state this: That while he is in there the greatest obligation that West Virginia affords to-day is looking him in the face, and if he can meet those people and will meet the miners of West Virginia, the wealth producers, that we should meet him in a body.

(Cries of "Right, right." Some one in the crowd: "I will make a move, and I move that he meet the body of these miners." Motion seconded.)

The amendment to the former motion is that he meet the body of men at 8 o'clock to-night.

Now then, gentlemen, you have heard the motion, are you ready to vote?

(Calls for the question.)

If there be no remarks, as many as are in favor of the motion will let it be known by poking your hands up.

(A great majority of hands up.)

The contrary, if any, the same sign.

(No contrary.)

Gentlemen, it is carried.

ONE OF THE COMMITTEE (again on the box). You all know me. I am a coal digger; you all know me. There is nothing more to it. Now, gentlemen, I was one of the committee. I think a committee went to see if he will meet us at 8 o'clock or earlier date—a committee of three men. If necessary, I will put a motion. But wait, listen; I want you to hold and maintain your present positions for a few minutes, I believe the governor is coming.

(Cry of "Amen.")

(At this point "Mother" Jones came out and got upon the box and began to speak.)

My object in coming back to you is this: That this meeting stands adjourned until we hear from the governor. We are going to have a committee. There is always a lot of hot-air orators that like to blow off hot air on occasions like this. There is nothing in what they say. We want brain work, not hands, but brains. There is no more speaking here; this meeting stands adjourned until we hear from the governor. I told you to organize and march along here.

We will let you know. Go home to your camps. The governor ain't going to come; he is occupied. This meeting stands adjourned; no more hot air here.

You have heard the motion to adjourn; ready to vote. As many as are in favor of adjourning, hold up your hands.

(Very few held up their hands.)

Now you have got to go.

(Calls for the contrary vote.)

"Mother" don't permit the contrary.

We can't forget that we are men. We have been tendered courteously the ground. It is nothing but right; but if the chief executive wanted to protest he could have done so. He has given us the ground. You have talked the causes of the grievances. Wait until you hear from them. Leave the capital alone.

(The meeting adjourned.)

Go home, boys; when we need you again I will call you.

I will be down to-morrow, and if I am not down the telegraph will be going.

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**EXTRACTS FROM SPEECH OF "MOTHER" JONES AT CHARLESTON
ON SEPTEMBER 6, 1912.**

* * * * *

I want to tell you the truth about it. You are a lot of cowards, and you have't got enough marrow in your backbone to grease two black cats' tails. If you were men with a bit of revolutionary blood in you, you wouldn't stand for the Baldwin guards, would you?

(Cries of "No; No; No.")

No; you wouldn't. Or Glasscock, either. When they saw you were going to clean up the guards they got the militia down, and they don't allow President Cairns, of the miners, to go up Cabin Creek. They don't allow Mr. Diamond to go up. But I want to ask you if the militia does allow the mine owners to take transportation up there. They do?

(Cries of "No transportation.")

* * * * *

I am going to say to the police, the militia, the adjutant general, and to every one in this audience, that we will carry on this fight, we will make war in the State until the Baldwins are removed.

(Loud applause, and cries of "Right you are.")

Vote for Tincher for sheriff, I say this to all of you.

Another thing I want to say, there is a rumor gone out that you miners tore up the C. & O. track. I know it is not right, but it has gone out that way. I know who tore the track up. But the papers all through the country put it on the miners—the whole gang of thieves, all the other papers in the country outside the Labor Argus. I want you to guard the C. & O. tracks and trains everywhere. The young men on the C. & O. are our men, and they are working to help us, and I want you to protect their lives. Don't meddle with the track, take care of it, and if you catch sight of a Baldwin bloodhound put a bullet through his rotten carcass. [Loud applause.]

* * * * *

Boys, this fight is going on. I may have to call on you inside of two weeks again to make another move. Then I will get the police with me; I will have them all educated by that time. [Loud applause.]

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INSCRIPTIONS ON BANNERS AT MEETING OF SEPTEMBER 21, 1912.

Governor, why don't you send the Baldwin bloodhounds out of the State?

We have been sacrificed to the god of greed.

Death to the human hyena, the Baldwin thug, who cut a woman's breast off at Kayford.

Manhood of America, will you stand idle while a Baldwin brute mutilates a woman?

EXTRACTS FROM SPEECH OF FRANK J. HAYES AT FRONT DOOR OF COURTHOUSE, IN CHARLESTON, ON SEPTEMBER 21, 1912.

* * * * *

Through the agency of the miners' union we have shortened the work day in the organized States to eight hours a day. Where is the man who has the temerity to stand here to-day and say a miner should work longer than eight hours a day? Statistics tell us that if every man did his share of the world's work four hours a day would be sufficient. The system to-day is that a great many men do two days work in one. We want to divide the work. We propose that everybody shall work and everybody shall receive the value of what he creates. [Loud applause.]

* * * * *

A great many statesmen talk about conservation of our natural resources. The miners' union talks about the conservation of human life and human liberty.

In this great right the United Mine Workers ought to have the support and sympathy of every lover of human life. They must be either with us or against us; there is no middle ground. And, my friends, it seems to me that if the operators of West Virginia deserve the good opinion of the public and want to hold the good opinion of the public that they would not refuse to meet the miners in joint conference. Let them alone. The very fact that they have refused shows that they are afraid for the truth to be known. They tell the uninformed and unsophisticated that the miners' union comes here to destroy industry. Why don't they meet us in the public forum and make the challenge? They know their cause can not stand the searchlight of the truth.

I am not going to talk much longer, because we have President White here.

In closing I want to say that this call here to-day has taken on a legislative aspect. They want an industrial disputes law. We know what an industrial disputes law is. It has been tried in Canada for some time and it has proven a failure. We spent half a million dollars in a strike in western Canada last year. The industrial disputes act is nothing more than a chloroforming agency. Now, if the lovers of humanity, the people who are interested in a higher citizenship in West Virginia, mean business we propose to them that they discuss a workingman's compensation law.

[Applause and cries of "Right!" "Right!"]

That they enact and place in the statute laws of West Virginia laws that will protect the helpless and dependent, the wives and

children of the miners who are killed in the State. Most of the States to-day have workingmen's compensation laws or employers' liability laws. Down here in West Virginia we have less legislation to protect life than in any other State in the Union. [Loud applause.]

But if I read the signs aright, the miners of West Virginia this year are going to use their ballot in the interests of their class. [Loud applause.]

They are not going to be deceived any longer by the promise of politicians. They are going to demand of the men who seek public office that they pledge themselves to these things; that they pledge themselves to the workingmen's compensation law; to a law abolishing the guard system [loud applause]; that they pledge themselves to a law forbidding the importation of armed strike breakers. And I hope, my friends, that the military power of West Virginia will not supplant the guards in the breaking of this strike. I hope that the military power will not be used to protect strike breakers. I want you to serve notice that if the military power is used for that purpose that the good will and opinion of the miners is gone forever. [Loud applause and cries of "Right!" "Right you are!"]

As long as the military maintains neutrality we have nothing to say, but when it is used to serve the interests of the few and to crush the hopes and aspirations of the miners of West Virginia, then we have something to say. [Loud applause.]

EXTRACTS FROM SPEECH OF SAMUEL B. MONTGOMERY AT FRONT DOOR OF COURTHOUSE ON SEPTEMBER 21, 1912.

I am not a nihilist, neither do I believe in nihilism; but if I was in Russia and felt the foot of the Czar on my neck I would be a nihilist. And if I was on Cabin Creek, the little Russia of West Virginia, and felt the foot, the spiked heel, of the guards on my neck I would be a revolutionist. [Loud applause.]

* * * * *

Then the governor said he would issue a proclamation establishing military law. Did the operators acquiesce in that? No; they sent an attorney to his office to protest against it. Did the miners object to that? No; they did not. They said they were in favor of the strong arm of the State coming in and standing equitably between these two forces. [Cries of "They won't do it, though!"]

* * * * *

I am talking to a native people; they are descendants of the Huguenots, of the cavaliers, the pioneers who pressed out into the wilderness and subdued it. In your veins course the blood that has been carried by the bearers of civilization in the age-long conflict. Good men have struggled and gone and there have been others who have taken their place, and it would be a blot upon us to fall by the wayside or hesitate.

We must win this victory, my friends; you must not surrender. You must not entertain dissension among yourselves or by the coming among you of wolves in sheep's clothing. You must not be divided, but you must stand as your fathers before you, for the con-

servation of human liberty and the establishment of human rights in this State of West Virginia.

There is liberty enough for us all. Out in the intellectual sea there is space enough for every sail and in the intellectual air there is place for every wing.

I believe, my friends, in the right of the people to assemble and discuss the questions that are nearest to their heart, that will have an abiding place in the future welfare of your children, who will be the men and women who will have to take hold of this Government to-morrow and settle these great economical questions that are puzzling the State of West Virginia to-day.

I believe in revolution—peaceful revolution—not by the bullet, but by the ballot. [Loud applause and cries of “Hurrah!”]

The workers of the world are going to unite. You have nothing to lose but your chains.

It has been a high privilege, my friends, for me to meet with you here this afternoon. It is true I followed these bills to the scrap heap, but I want to say, in the light of publicity in this enlightened day, after we have hammered for eight years, the revolution is on in West Virginia and I am enlisted for the war. [Loud applause.]

EXTRACT FROM SPEECH OF C. C. GRIFFITH, AT FRONT DOOR OF COURTHOUSE ON SEPTEMBER 21, 1912.

GENTLEMEN: I believe it is the duty of this meeting of miners and citizens assembled here that they pass a resolution, and I have one for your consideration:

It is the sense of this meeting that the soldiers will not be used to protect the strike breakers in this State.

All in favor of this motion will make it known by sticking up your hands.

(Motion carried unanimously.)

If anybody is opposed, let us see his hand.

(Laughter, but no hands up.)

EXTRACTS FROM SPEECH OF J. W. BROWN, AT FRONT DOOR OF COURTHOUSE ON SEPTEMBER 21, 1912.

My third proposition is this: That every human being that works and produces a dollar's worth of wealth shall receive a dollar's worth of wealth or its equivalent. If he shouldn't receive it, who should? That is the point.

This is a great age, as the speakers who have preceded me have told you. This is a great age. This is the age of the awakening of the working class. We are just coming to our own. We have suffered and supported the parasitical class for ages—you and me and my class, the working class, have supported the parasitical class for ages. They claim they own it, but it is ours because we have paid for it. They have took many dollars and cents that has grown out of your labor. They never produced anything themselves, and they have took the money you produced and they have financed the political campaign that elect the officers—they own those poor fellows over here at the capital. [Loud applause.]

* * * * *

Gov. Glasscock to-day, and that invisible power, whatever it may be, we serve notice upon him by this demonstration in the city of Charleston that his invisible government, whatever it may be, the guard system must go from West Virginia. [Loud applause.]

Governor, we are not going to wait for you. We say now they have got to go. Constitutionally, if you will, peaceably, if you will, but go they will, by God, they will go. [Loud applause.]

EXTRACT FROM SPEECH OF SAMUEL B. MONTGOMERY AT CHARLESTON ON SEPTEMBER 23, 1912.

The governor then took up the question of declaring martial law. This, too, my friends, was opposed by the operators and approved by the coal miners. Since martial law was declared the coal miners have cooperated with the governor at all times, and acquiesced in the administration of martial law.

(Whereupon, at 12.15 o'clock p. m. on the 29th day of October, 1913, the committee adjourned.)

ADDENDA.

In the testimony of Ira F. Davis, found on pages 1298 to 1341, part 2 of the record, certain statements submitted by him, companionable with the exhibit reproduced on page 1320 of that volume, were omitted. The following embraces the omitted statements:¹

Pay statement No. 1, Kayford, W. Va., May 31, 1912.

Mr. D. Gatton, in account with Cabin Creek Consolidated Coal Co., Acme mine.

To store account.....	\$14. 00	By 188 tons coal, at 55.....	\$103. 04
To rent.....	5. 00	By 50 hours, at 3.....	15. 00
To coal.....	1. 00		
To smithing.....	. 50		
To doctor.....	. 50	(26 days.)	
To hospital.....	. 15		
To burial fund.....	. 25		
To subscription.....	. 50		
Balance due employee.....	96. 50		
	118. 40		118. 40

Pay statement No. 4, Kayford, W. Va., May 31, 1912.

Mr. Tony Gatton, in account with Cabin Creek Consolidated Coal Co., Acme mine.

To store account.....	\$6. 00	By 154 tons coal, at 55.....	\$84. 70
To smithing.....	. 50	By 10 hours, at 2.50.....	2. 50
To doctor.....	. 50		
To hospital.....	. 15	(25 days.)	
To burial fund.....	. 25		
To insurance.....	1. 50		
To subscription.....	. 25		
Balance due employee.....	78. 05		
	87. 20		87. 20

¹ In the earnings of miners the price per ton paid for digging and loading coal is shown in cents; for day labor the price is shown not at so much per hour, but at the rate paid per 10-hour day.

2286 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

Pay statement No. 1, Kayford, W. Va., May 13, 1912.

Mr. Hauston Powley, in account with Cabin Creek Consolidated Coal Co., Keystone mine.

To store account	\$4.00	By 281 tons coal, at 38	\$106.78
To smithing	.50		
To doctor	.50		
To hospital	.15	(26 days.)	
To burial fund	.25		
To subscription	.50		
Balance due employee	100.88		
	106.78		106.78

Pay statement No. 4, Kayford, W. Va., May 31, 1912.

Mr. Pete Geroski, in account with Cabin Creek Consolidated Coal Co., Empire mine.

To store account	\$22.00	By 267 tons coal, at 23	\$61.41
To smithing	.50	By 37 hours, at 1	3.70
To doctor	.50	By 16 hours, at 1.25	2.00
To hospital	.15	By 141 hours, at 1.75	24.67
To burial fund	.25		
To insurance	3.00	(27 days.)	
To subscription	.50		
Balance due employee	64.88		
	91.78		91.78

Pay statement No. 22, Kayford, W. Va., May 31, 1912.

Mr. Mike Budawance, in account with Cabin Creek Consolidated Coal Co., Empire mine.

To store account	\$16.00	By 343 tons coal, at 23	\$78.89
To rent	5.00		
To coal	1.00	(26 days.)	
To smithing	.50		
To doctor	1.00		
To hospital	.15		
To burial fund	.25		
To hauling	.50		
Balance due employee	54.49		
	78.89		78.89

Pay statement No. 11, Kayford, W. Va., May 31, 1912.

Mr. James Wells, in account with Cabin Creek Consolidated Coal Co., Buckeye mine.

To store account	\$49.00	By 284 tons coal, at 28	\$79.52
To rent	5.00	By one-half cutting 483 tons	
To coal	1.00	coal, at 06	14.49
To smithing	.50	By 23 hours, at 2.10	4.83
To doctor	1.00		
To hospital	.15	(22 days.)	
To burial fund	.25		
To insurance	1.50		
To board and labor	18.50		
Balance due employee	21.94		
	98.84		98.84

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2287

Pay statement No. 1, Kayford, W. Va., May 31, 1912.

Mr. John Deboneski, in account with Cabin Creek Consolidated Coal Co., Black Tulip mine.

To store account	\$10.00	By 480 tons coal, at 28.....	\$134.40
To rent.....	7.00	By 181 tons cuttings, at 06....	10.86
To coal.....	1.00	By 38 yards slate, at 50.....	19.00
To smithing.....	.50	By 5 hours, at 2.....	1.00
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.25	(27 days.)	
To insurance.....	1.50		
To hauling.....	1.00		
Balance due employee	142.86		
	165.26		165.26

Pay statement No. 8, Kayford, W. Va., May 31, 1912.

Mr. George Nelson, in account with Cabin Creek Consolidated Coal Co., Black Tulip mine.

To store account	\$35.00	By 138 tons coal, at 45.....	\$62.10
To smithing.....	.50	By cash.....	7.10
To doctor.....	.50		
To hospital.....	.15		
To burial fund.....	.25	(15 days.)	
To insurance.....	1.00		
To cash on account.....	7.10		
Balance due employee	25.70		
	60.20		60.20

Pay statement No. 5, Kayford, W. Va., May 31, 1912.

Mr. Dave Mecure, in account with Cabin Creek Consolidated Coal Co., Cherokee mine.

To store account.....	\$15.00	By 256 tons coal, at 23.....	\$58.88
To smithing.....	.50		
To doctor.....	.50		
To hospital.....	.15	(20 days.)	
To burial fund.....	.25		
Balance due employee.....	42.48		
	58.88		58.88

Pay statement No. 12, Kayford, W. Va., May 31, 1912.

Mr. Walter Harless, in account with Cabin Creek Consolidated Coal Co., Davis mine.

To store account.....	\$49.00	By 313 tons coal, at 29.....	\$90.77
To rent.....	6.00		
To coal.....	1.00		
To smithing.....	.50	(27 days.)	
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.25		
Balance due employee.....	32.87		
	90.77		90.77

2288 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

Pay statement No. 16, Kayford, W. Va., May 31, 1912.

Mr. Sam Holten, in account with Cabin Creek Consolidated Coal Co., Davis mine.

To store account.....	\$40.00	By 444 tons coal, at 33.....	\$146.52
To rent.....	6.00		
To coal.....	1.00		
To smithing.....	.75	(27 days.)	
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.25		
To board and labor.....	14.00		
To hauling.....	.50		
Balance due employee.....	82.87		
	146.52		146.52

Pay statement No. 31, Kayford, W. Va., May 31, 1912.

Mr. Harve Dillon, in account with Cabin Creek Consolidated Coal Co., Davis mine.

To store account.....	\$40.00	By 545 tons coal, at 29.....	\$158.05
To rent.....	6.00	By 9 hours, at 2.00.....	1.80
To coal.....	1.00	By 10 hours.....	2.10
To smithing.....	1.00		
To doctor.....	1.00		
To hospital.....	.15	(27 days.)	
To burial fund.....	.25		
To insurance.....	2.00		
To board and labor.....	9.00		
Balance due employee.....	101.55		
	161.95		161.95

Pay statement No. 31, Kayford, W. Va., May 31, 1912.

Mr. Wm. Steele, in account with Cabin Creek Consolidated Coal Co., Holly mine.

To store account.....	\$15.00	By 319 tons coal, at 28.....	\$89.32
To rent.....	5.50	By 11 yards slate, at 25.....	2.75
To coal.....	1.00	By 22½ yards slate, at 50.....	11.25
To smithing.....	.50		
To doctor.....	1.00		
To hospital.....	.15	(27 days.)	
To burial fund.....	.25		
Balance due employee.....	79.92		
	103.32		103.32

Pay statement No. 15, Kayford, W. Va., May 31, 1912.

Mr. H. Gilbert, in account with Cabin Creek Consolidated Coal Co., Quarrier mine.

To store account.....	\$16.00	By 289 tons coal, at 30.....	\$86.70
To smithing.....	.50	By board and labor.....	2.25
To doctor.....	.50		
To hospital.....	.15	(20 days.)	
To burial fund.....	.25		
To board and labor.....	33.75		
Balance due employee.....	37.80		
	88.95		88.95

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2289

Pay statement No. 18, Kayford, W. Va., May 31, 1912.

Mr. W. E. Poe, in account with Cabin Creek Consolidated Coal Co., Quarrier mine.

To store account.....	\$50.00	By 354 tons coal, at 30.....	\$106.20
To rent.....	6.00	By 13 hours, at 2.25.....	2.92
To coal.....	1.00		
To smithing.....	.50		
To doctor.....	1.00	(27 days.)	
To hospital.....	.15		
To burial fund.....	.25		
Balance due employee.....	50.22		
	109.12		109.12

Pay statement No. 19, Kayford, W. Va., May 31, 1912.

Mr. Peter Eranguk, in account with Cabin Creek Consolidated Coal Co., Quarrier mine.

To store account.....	\$45.00	By 311 tons coal, at 30.....	\$93.30
To rent.....	2.00		
To coal.....	.25		
To smithing.....	.50	(26 days.)	
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.25		
Balance due employee.....	44.15		
	93.30		93.30

Pay statement No. 15, Kayford, W. Va., May 31, 1912.

Mr. John Romax, in account with Cabin Creek Consolidated Coal Co., Belleclare mine.

To store account.....	\$20.00	By 282 tons coal, at 35.....	\$98.70
To smithing.....	.50	By 1 hour, at 2.00.....	.20
To doctor.....	.50	By 2 hours, at 2.10.....	.42
To hospital.....	.15		
To burial fund.....	.30		
Balance due employee.....	77.87	(25 days.)	
	99.32		99.32

Pay statement No. 38, Kayford, W. Va., May 31, 1912.

Mr. Wm. Large, in account with Cabin Creek Consolidated Coal Co., Belleclare mine.

To store account.....	\$32.00	By 307 tons coal, at 28.....	\$85.96
To rent.....	6.00	By 30 hours, at 3.00.....	9.00
To coal.....	1.00		
To smithing.....	.50		
To doctor.....	1.00	(23 days.)	
To hospital.....	.15		
To burial fund.....	.30		
To board and labor.....	3.00		
To hauling.....	.50		
Balance due employee.....	50.51		
	94.96		94.96

2290 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

Pay statement No. 48, Kayford, W. Va., May 31, 1912.

Mr. Tong Owelensky, in account with Cabin Creek Consolidated Coal Co., Belleclare mine.

To store account.....	\$16.00	By 204 tons coal, at 35.....	\$71.40
To smithing.....	.50		
To doctor.....	.50		
To hospital.....	.15	(26 days.)	
To burial fund.....	.30		
Balance due employee.....	53.95		
	<u>71.40</u>		<u>71.40</u>

Pay statement No. 26, Kayford, W. Va., May 31, 1912.

Mr. J. H. Blake, in account with Cabin Creek Consolidated Coal Co., Ruby mine.

To store account.....	\$55.00	By 333 tons coal, at 32.....	\$106.56
To rent.....	7.50		
To coal.....	1.00		
To smithing.....	.50	(21 days.)	
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.30		
To insurance.....	1.50		
To hauling.....	.50		
Balance due employee.....	39.11		
	<u>106.56</u>		<u>106.56</u>

Pay statement No. 78, Kayford, W. Va., May 31, 1912.

Mr. Phil Yances, in account with Cabin Creek Consolidated Coal Co., United Gas mine.

To store account.....	\$20.00	By 372 tons coal, at 33.....	\$122.76
To smithing.....	.50	By 2 hours, at 2.00.....	.40
To doctor.....	.50		
To hospital.....	.15	(27 days.)	
To burial fund.....	.15		
Balance due employee.....	101.86		
	<u>123.16</u>		<u>123.16</u>

Pay statement No. 57, Kayford, W. Va., May 31, 1912.

Mr. M. Lesco, in account with Cabin Creek Consolidated Coal Co., United Gas mine.

To store account.....	\$7.00	By 252 tons coal, at 35.....	\$88.20
To smithing.....	.50		
To doctor.....	.50		
To hospital.....	.15	(26 days.)	
To burial fund.....	.15		
Balance due employee.....	79.90		
	<u>88.20</u>		<u>88.20</u>

Pay statement No. 15, Kayford, W. Va., May 31, 1912.

Mr. J. Calvaco, in account with Cabin Creek Consolidated Coal Co., United Gas mine.

To store account.....	\$9.00	By 191 tons coal, at 40.....	\$76.40
To smithing.....	.50		
To doctor.....	.50		
To hospital.....	.15	(25 days.)	
To burial fund.....	.15		
Balance due employee.....	66.10		
	<u>76.40</u>		<u>76.40</u>

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2291

Pay statement No. 6, Kayford, W. Va., May 31, 1912.

Mr. A. Ross, in account with Cabin Creek Consolidated Coal Co., United Splint mine.

To store account-----	\$16.00	By 265 tons coal, at 32-----	\$84.80
To smithing-----	.50	By 10 box water, at 20-----	2.00
To doctor-----	.50		
To hospital-----	.15		
To burial fund-----	.15	(25 days.)	
Balance due employee-----	69.50		
	<u>86.80</u>		<u>86.80</u>

Pay statement No. 45, Kayford, W. Va., May 31, 1912.

Mr. A. Hensley, in account with Cabin Creek Consolidated Coal Co., United Splint mine.

To store account-----	\$26.00	By 256 tons coal, at 32-----	\$81.92
To rent-----	1.00	By 37 box water, at 20-----	7.40
To coal-----	.50	By board and labor-----	4.00
To smithing-----	.50		
To doctor-----	.50		
To hospital-----	.15	(19 days.)	
To burial fund-----	.15		
To insurance-----	3.40		
Balance due employee-----	61.12		
	<u>93.82</u>		<u>93.82</u>

Pay statement No. 215, Kayford, W. Va., May 31, 1912.

Mr. John Ernst, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account-----	\$6.00	By 209 hours, at 2.50-----	\$52.25
To doctor-----	.40		
To hospital-----	.10		
To burial fund-----	.10	(21 days.)	
To board and labor-----	10.00		
To hospital-----	.10		
Balance due employee-----	35.65		
	<u>52.25</u>		<u>52.25</u>

Pay statement No. 253, Kayford, W. Va., May 31, 1912.

Mr. Mike Piccola, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account-----	\$7.00	By 265 hours, at 3.00-----	\$79.50
To doctor-----	.50		
To hospital-----	.15		
To burial fund-----	.15	(26½ days.)	
Balance due employee-----	71.70		
	<u>79.50</u>		<u>79.50</u>

Pay statement No. 275, Kayford, W. Va., May 31, 1912.

Mr. Gerald Dambrozea, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account-----	\$6.00	By 310 hours, at 1.75-----	\$54.25
To rent-----	4.00		
To coal-----	1.00		
To doctor-----	.50	(24½ days.)	
To hospital-----	.15		
To burial fund-----	.15		
Balance due employee-----	42.45		
	<u>54.25</u>		<u>54.25</u>

2292 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

Pay statement No. 251, Kayford, W. Va., May 31, 1912.

Mr. G. E. Lee, in account with Cabin Creek Consolidated Coal Co., Acme mine.			
To store account.....	\$4.00	By 2 hours, at 2.00.....	\$0.40
To doctor.....	.50	By 242 hours, at 2.25.....	54.44
To hospital.....	.15		
To burial fund.....	.25		
To board and labor.....	20.00	(24½ days.)	
Balance due employee.....	29.94		
	<u>54.84</u>		<u>54.84</u>

Pay statement No. 280, Kayford, W. Va., May 31, 1912.

Mr. J. M. Harris, in account with Cabin Creek Consolidated Coal Co., Acme mine.			
To store account.....	\$28.00	By 10 hours, at 2.00.....	\$2.00
To rent.....	3.50	By 250 hours, at \$2.35.....	58.75
To coal.....	1.00		
To doctor.....	1.00		
To hospital.....	.15	(26 days.)	
To burial fund.....	.25		
To insurance.....	1.25		
Balance due employee.....	27.60		
	<u>60.75</u>		<u>60.75</u>

Pay statement No. 10, Kayford, W. Va., May 31, 1912.

Mr. Frank Zenker, in account with Cabin Creek Consolidated Coal Co., Rose mine.			
To store account.....	\$34.00	By 177 tons coal, at 32.....	\$56.64
To rent.....	6.00	By one-half cutting 1,657 tons	
To coal.....	1.00	coal, at 07.....	57.99
To smithing.....	.50	By 8 yards slate, at 75.....	6.00
To doctor.....	1.00	By 58 hours, at —.....	11.60
To hospital.....	.15	By mine checks.....	.60
To burial fund.....	.15	By C. & C.....	1.71
Balance due employee.....	90.59		
		(27 days.)	
	<u>134.44</u>		<u>134.44</u>

Pay statement No. 26, Kayford, W. Va., May 31 1912.

Mr. E. A. Carr, in account with Cabin Creek Consolidated Coal Co., Rose mine.			
To store account.....	\$50.00	By 179 tons coal, at 32.....	\$57.28
To rent.....	6.50	By one-half cutting 1,657 tons	
To coal.....	1.00	coal, at 07.....	58.00
To smithing.....	.50	By 8 yards slate, at 75.....	6.00
To doctor.....	1.00	By 38 hours, at 2.00.....	7.60
To hospital.....	.15	C. & O.....	1.72
To burial fund.....	.15		
To insurance.....	1.50		
To board and labor.....	3.00	(23 days.)	
Balance due employee.....	68.80		
	<u>130.60</u>		<u>130.60</u>

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2293

Pay statement No. 18, Kayford, W. Va., May 31, 1912.

Mr. Lawrence Dwyer. in account with Cabin Creek Consolidated Coal Co., Rose mine.

To store account.....	\$25.00	By 47 tons coal, at 32.....	\$15.04
To rent.....	6.00	By 143 tons coal, at 27.....	38.61
To coal.....	1.00	By 4 yards slate, at 25.....	1.00
To smithing.....	.50		
To doctor.....	1.00		
To hospital.....	.15	(24 days.)	
To burial fund.....	.15		
To mine checks.....	.35		
Balance due employee.....	20.50		
	54.65		54.65

Pay statement No. 45, Kayford, W. Va., May 31, 1912.

Mr. Frank Mulleus, in account with Cabin Creek Consolidated Coal Co., Rose mine.

To store account.....	\$65.00	By 406 tons coal, at 32.....	\$129.92
To smithing.....	.75	By 10 hours, at 2.....	2.00
To doctor.....	1.00	By 10 hours, at 2.25.....	2.25
To hospital.....	.15	By board and labor.....	1.50
To burial fund.....	.15		
To insurance.....	1.00	(25 days.)	
To board and labor.....	18.00		
To mine checks.....	.25		
Balance due employee.....	51.37		
	135.67		135.67

Pay statement No. 14, Kayford, W. Va., May 31, 1912.

Mr. Patsy Natale, in account with Cabin Creek Consolidated Coal Co., Sham-rock mine.

To store account.....	\$15.00	By 578 tons coal, at 23.....	\$132.94
To smithing.....	1.00		
To doctor.....	.50	(27 days.)	
To hospital.....	.15		
To burial fund.....	.15		
Balance due employee.....	116.14		
	132.94		132.94

Pay statement No. 18, Kayford, W. Va., May 31, 1912.

Mr. W. P. Ash, in account with Cabin Creek Consolidated Coal Co., Sham-rock mine.

To store account.....	\$63.00	By 749 tons coal, at 23.....	\$172.27
To rent.....	8.50	One-half cutting 2,064 tons	
To coal.....	1.00	coal, at 6.....	61.92
To smithing.....	1.25		
To doctor.....	1.00	(27 days.)	
To hospital.....	.15		
To burial fund.....	.15		
To insurance.....	1.00		
To board and labor.....	129.25		
To lights.....	2.10		
Balance due employee.....	28.79		
	234.19		234.19

2294 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

Pay statement No. 551, Kayford, W. Va., May 31, 1912.

Mr. William Johnson, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account.....	\$28.00	By board and labor.....	\$61.00
To rent.....	2.00		
To coal.....	.50		
To doctor.....	.50	(244 hours; 23½ days.)	
To hospital.....	.15		
To burial fund.....	.15		
To insurance.....	2.50		
To lights.....	.35		
Balance due employee.....	26.85		
	61.00		61.00

Pay statement No. 537, Kayford, W. Va., May 31, 1912.

Mr. Charley Tacketh, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account.....	\$52.75	By board and labor.....	\$56.75
To doctor.....	.50	By cash.....	3.00
To hospital.....	.15		
To burial fund.....	.15		
Balance due employee.....	6.20	(227 hours; 23 days.)	
	59.75		59.75

Pay statement No. 45, Kayford, W. Va., May 31, 1912.

Mr. Frank Butcosky, in account with Cabin Creek Consolidated Coal Co., Shamrock mine.

To store account.....	\$26.00	By 191 tons coal, at 28.....	\$53.48
To smithing.....	.50	Cutting 191 tons coal, at 6.....	11.46
To doctor.....	.50	By 7½ yards slate, at 75.....	5.88
To hospital.....	.15	By 35 hours at 2.10.....	7.35
To burial fund.....	.15	By 10 hours at 2.35.....	2.35
To board and labor.....	20.25	By 5½ cars water, at 25.....	1.38
To mine checks.....	.50		
Balance due employee.....	33.85	(14 days.)	
	81.90		81.90

Pay statement No. 11, Kayford, W. Va., May 31, 1912.

Mr. Pearl Stamper, in account with Cabin Creek Consolidated Coal Co., Thistle mine.

To store account.....	\$51.00	By 153 tons coal, at 33.....	\$50.49
To rent.....	4.00	By 22 hours, at 2.10.....	4.62
To coal.....	1.00	By 12 hours, at 2.....	2.40
To smithing.....	.50	By 10 hours.....	1.75
To doctor.....	.50	By mine checks.....	.50
To hospital.....	.15		
To burial fund.....	.15		
To lights.....	.70	(20 days.)	
Balance due employee.....	1.76		
	59.76		59.76

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2295

Pay statement No. 15, Kayford, W. Va., May 31, 1912.

Mr. K. P. Bocook, in account with Cabin Creek Consolidated Coal Co., Thistle mine.

To store account.....	\$27.00	By 262 tons coal, at 33.....	\$86.46
To rent.....	6.00		
To coal.....	1.00		
To smithing.....	.50	(26 days.)	
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.15		
Balance due employee.....	50.68		
	<u>86.46</u>		<u>86.46</u>

Pay statement No. 28, Kayford, W. Va., May 31, 1912.

Mr. Tony Milana, in account with Cabin Creek Consolidated Coal Co., Thistle mine.

To store account.....	\$15.00	By 323 tons coal, at 33.....	\$106.50
To smithing.....	.50		
To doctor.....	.50		
To hospital.....	.15	(26 days.)	
To burial fund.....	.15		
Balance due employee.....	90.29		
	<u>106.50</u>		<u>106.50</u>

Pay statement No. 10, Kayford, W. Va., May 31, 1912.

Mr. J. R. Halstead (contractor), in account with Cabin Creek Consolidated Coal Co., Raccoon No. 2 West mine.

To store account.....	\$44.00	By 432 tons coal, at 27.....	\$116.64
To rent.....	6.00	By 200 tons coal, at 40.....	80.00
To coal.....	1.00	By cutting 432 tons coal, at	
To smithing.....	1.50	07.....	30.24
To doctor.....	1.00	By 50 hours, at 2.....	10.00
To hospital.....	.15	By 88 hours, at 2.10.....	18.48
To burial fund.....	.15	By 110 hours, at 2.35.....	25.85
To board and labor.....	137.25		
To hauling.....	.50		
Balance due employee.....	89.68		
	<u>281.21</u>		<u>281.21</u>

Pay statement No. 344, Kayford, W. Va., May 31, 1912.

Mr. S. S. Smith, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account.....	\$30.00	By 30 hours, at 2.50.....	\$7.50
To doctor.....	1.00	By board and labor, J. R.	
To hospital.....	.15	Halstead.....	69.00
To burial fund.....	.15		
Balance due employee.....	45.20	(27 days.)	
	<u>76.50</u>		<u>76.50</u>

2296 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

Pay statement No. 525, Kayford, W. Va., May 31, 1912.

Mr. M. E. Proctor, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account.....	\$32.00	By board and labor, J. R.	
To doctor.....	.50	Halstead	\$68.25
To hospital.....	.15		
To burial fund.....	.15		
Balance due employee.....	35.45	(27 days.)	
	<u>68.25</u>		<u>68.25</u>

Pay statement No. 27, Kayford, W. Va., May 31, 1912.

Mr. John Messer, in account with Cabin Creek Consolidated Coal Co., Raccoon No. 2 West mine.

To store account.....	\$46.00	By 415 tons coal, at 32.....	\$132.80
To rent.....	4.00		
To coal.....	1.00		
To smithing.....	.75	(27 days.)	
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.15		
To insurance.....	1.00		
To board and labor.....	12.50		
To hauling.....	.50		
Balance due employee.....	65.75		
	<u>132.80</u>		<u>132.80</u>

Pay statement No. 35, Kayford, W. Va., May 31, 1912.

Mr. I. C. Berry, in account with Cabin Creek Consolidated Coal Co., Raccoon No. 2 West mine.

To store account.....	\$37.00	By 287 tons coal, at 32.....	\$91.84
To smithing.....	.75	By 43 hours, at 2.....	8.60
To doctor.....	.50	By 190 hours, at 2.10.....	39.90
To hospital.....	.15		
To burial fund.....	.15		
To insurance.....	1.50		
To board and labor.....	12.50		
Balance due employee.....	87.79		
	<u>140.34</u>		<u>140.34</u>

Pay statement No. 15, Kayford, W. Va., May 31, 1912.

Mr. Charles Assed, in account with Cabin Creek Consolidated Coal Co., Raccoon No. 2 East mine.

To store account.....	\$33.00	By 355 tons coal, at 32.....	\$113.60
To smithing.....	.50		
To doctor.....	.50		
To hospital.....	.15	(27 days.)	
To burial fund.....	.15		
To insurance.....	1.50		
Balance due employee.....	77.80		
	<u>113.60</u>		<u>113.60</u>

CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA. 2297

Pay statement No. 22, Kayford, W. Va., May 31, 1912.

Mr. Richard Oney, in account with Cabin Creek Consolidated Coal Co., Racoon No. 2 east mine.

To store account-----	\$37.00	By 432 tons coal, at 32-----	\$138.24
To smithing-----	.75	By one-fourth cutting, 283 tons	
To doctor-----	.50	coal, at 7-----	4.96
To hospital-----	.15	By 20 hours, at 2.35-----	4.70
To burial fund-----	.15		
To board and labor-----	21.50		
Balance due employee-----	87.85	(26 days.)	
	147.90		147.90

Pay statement No. 7, Kayford, W. Va., May 31, 1912.

Mr. Vernie Hearn, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account-----	\$47.00	By 307 tons coal, at 28-----	\$85.96
To rent-----	5.00	By one-half cutting, 3,206 tons	
To coal-----	1.00	coal, at 6-----	96.18
To smithing-----	.50	By 10 hours, at 2.35-----	2.35
To doctor-----	1.00	By 80 hours, at 2.10-----	16.80
To hospital-----	.15		
To burial fund-----	.15		
To board and labor-----	31.88	(27 days.)	
To lights-----	1.05		
Balance due employee-----	113.58		
	201.29		201.29

Pay statement No. 59, Kayford, W. Va., May 31, 1912.

Mr. Tom Grizzle, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account-----	\$52.00	By 313 tons coal, at 28-----	\$87.64
To smithing-----	.50	By one-half cutting, 3,206 tons	
To doctor-----	1.00	coal, at 6-----	96.18
To hospital-----	.15		
To burial fund-----	.15		
To insurance-----	1.50	(27 days.)	
To board and labor-----	31.87		
Balance due employee-----	96.65		
	188.82		188.82

Pay statement No. 49, Kayford, W. Va., May 31, 1912.

Mr. Ellis Coffee, in account with Cabin Creek Consolidated Coal Co., Thistle mine.

To store account-----	\$30.00	By 173 tons coal, at 39-----	\$67.47
To smithing-----	.85	By 10 hours, at 2.00-----	2.00
To doctor-----	.50	By board and labor, Hearn &	
To hospital-----	.15	Grizzle-----	43.75
To burial fund-----	.15		
To board and labor-----	16.25		
To mine checks-----	.50		
Balance due employee-----	65.32		
	113.22		113.22

2298 CONDITIONS IN THE PAINT CREEK DISTRICT, WEST VIRGINIA.

Pay statement No. 591, Kayford, W. Va., May 31, 1912.

Mr. Lawrence Darby, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account.....	\$7.00	By board and labor, Hearn & Grizzle	\$20.00
To doctor.....	.25		
To hospital.....	.05		
To burial fund.....	.05		
To transportation.....	1.95	(8 days.)	
Balance due employee.....	10.70		
	<u>20.00</u>		<u>20.00</u>

Pay stateemnt No. 52, Kayford, W. Va., May 31, 1912.

Mr. J. A. Black, in account with Cabin Creek Consolidated Coal Co., Kayford mine.

To store account.....	\$36.00	By 322 tons coal, at 23.....	\$74.06
To rent.....	8.50	By 30 hours, at 2.00.....	6.00
To coal.....	1.00		
To smithing.....	.50		
To doctor.....	1.00	(26 days.)	
To hospital.....	.15		
To burial fund.....	.15		
To insurance.....	1.50		
To board and labor.....	2.00		
To hauling.....	1.50		
To lights.....	1.75		
Balance due employee.....	26.01		
	<u>80.06</u>		<u>80.06</u>

Pay statement No. 27, Kayford, W. Va., May 31, 1912.

Mr. Cleve Lewis, in account with Cabin Creek Consolidated Coal Co., Raccoon No. 2 east mine.

To store account.....	\$43.00	By one-half cutting, 2,680 tons coal, at 7.....	\$93.80
To rent.....	6.00		
To coal.....	1.00		
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.15		
To lights.....	1.40		
Balance due employee.....	41.10		
	<u>93.80</u>		<u>93.80</u>

Pay statement No. 16, Kayford, W. Va., July 31, 1912.

Mr. W. A. Clere, in account with Cabin Creek Consolidated Coal Co., Raccoon No. 2 west mine.

To store account.....	\$75.00	By 517 tons coal, at 32.....	\$165.44
To rent.....	4.00		
To coal.....	1.00		
To smithing.....	1.50		
To doctor.....	1.00		
To hospital.....	.15		
To burial fund.....	.15		
To insurance.....	4.00		
To board and labor.....	42.00		
To hauling.....	.50		
Balance due employee.....	38.14		
	<u>165.44</u>		<u>165.44</u>

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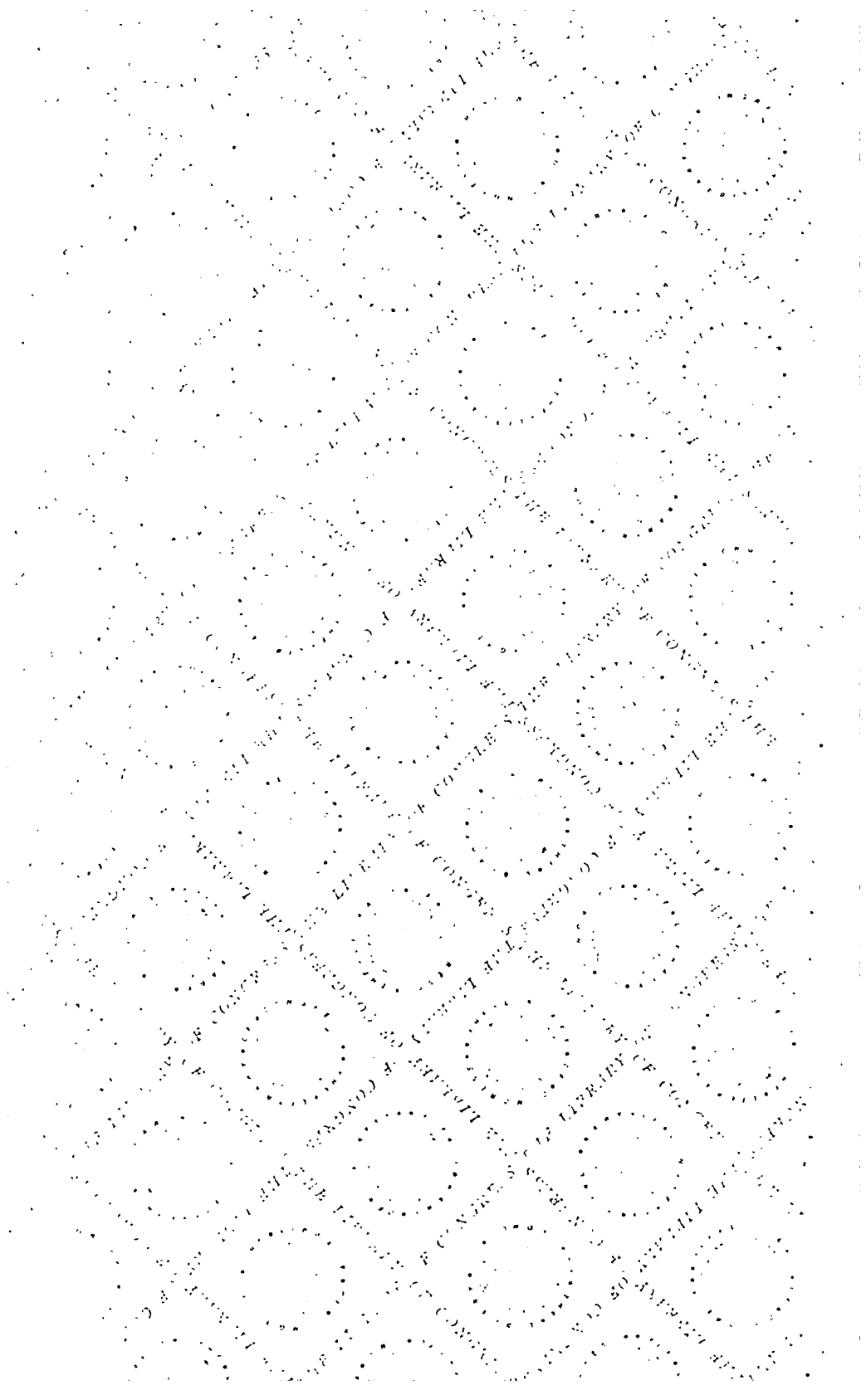
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